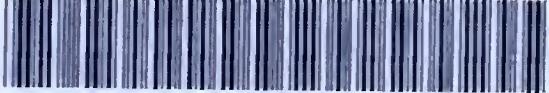


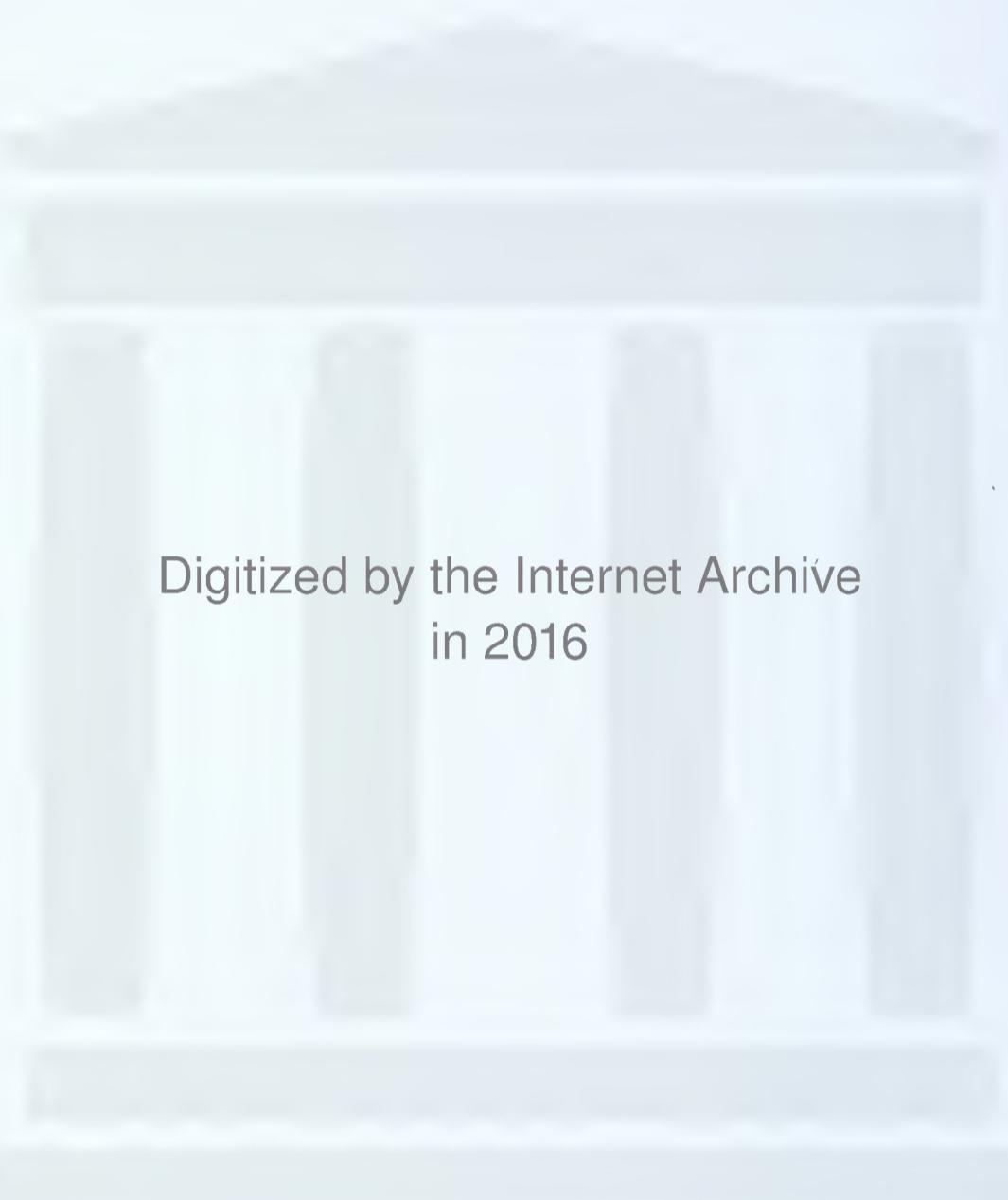
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RAILWAY EMPLOYEES IN THE U. S.  
NEGROES OF LITWALTON, VA.

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BULLETIN

OF THE

DEPARTMENT OF LABOR.

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No. 37—NOVEMBER, 1901.

ISSUED EVERY OTHER MONTH.

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WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1901.

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No. 37.

WASHINGTON.

NOVEMBER, 1901.

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RAILWAY EMPLOYEES IN THE UNITED STATES.

BY SAMUEL McCUNE LINDSAY, PH. D.

INTRODUCTION.

Several important special papers which relate to the problems of railway employment have already been published in the Bulletin of the Department of Labor. "Brotherhood relief and insurance of railway employees" was discussed by Prof. Emory R. Johnson, of the University of Pennsylvania, in Bulletin No. 17, for July, 1898, and in an earlier article (*a*) by the same author on "Railway relief departments," an account was given of what the roads are doing in the same direction for their employees. Dr. Walter E. Weyl has published quite an extensive review of "The condition of railway labor in Europe," (*b*) and in Bulletin No. 31, for November, 1900, an article by Dr. Luigi Einaudi discusses "The condition of railway labor in Italy." There is also in Bulletin No. 29, for July, 1900, a brief statement on the subject of "Hours of labor and of rest of railway employees in Prussia," made to the Department of State by Hon. Richard Guenther, United States consul-general at Frankfort-on-the-Main. In addition to these special contributions there is scattered throughout the pages of the Bulletin much material, especially in the digests of court decisions and in the labor legislation, which affects the interests and

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*a* See Bulletin No. 8, January, 1897.

*b* See Bulletin No. 20, January, 1899.

welfare of railway employees. Probably railway labor, as an occupation, affects the interests of more persons in the United States than any other single branch of employment except agriculture. This fact alone should entitle it to greater consideration than it commonly receives. There are, however, many other reasons why facts relating to the condition of railway labor in the United States are peculiarly welcome at this time. It is one of the most hazardous of occupations, and yet one on which the prosperity of the country becomes increasingly dependent. It has led almost all other classes of labor in meeting the problems peculiar to the wage-earner when he becomes conscious of the class feeling. Organized labor has fought its chief battles, won its greatest victories, had its severest defeats, and learned its best lessons within the scope of railroad employment. The problems of old age, the question of the "dead line" in occupations, or age where diminishing efficiency sets in, and the need of provision for the uncertainties of life have nowhere presented themselves with greater clearness and been met with greater determination than in the relations of employer and employee in the realm of railway labor.

It is not the purpose of this paper to review with any degree of completeness the condition of railway labor in the United States. That is a topic too broad for proper treatment within the scope of a single paper, and one for which the materials are scarcely yet available. It is possible, however, to discuss with some measure of completeness a few facts and some problems concerning railway employees in the United States. After showing the numbers and classes of railway employees, from the reports of the Interstate Commerce Commission, the qualifications demanded in railway service, some facts relating to wages and hours of work, and some of the vexed questions concerning extra work and extra pay will be discussed. This will constitute one general division of this article, under the title "Requirements and rewards of railway employment;" a second general section, entitled "Railway labor as a life work," treats of the permanency of occupation, the systems of discipline, the question of blacklisting, and the pensioning of employees; a third and last general division covers in part the personal relations of employer and employee in the field of railway labor, treating of the general condition of railway laborers as reflected in their organizations, and the efforts of employers to improve the personnel of the service.

A large portion of the information upon which this article is based was obtained by direct correspondence and personal interviews with the representatives of 40 of the leading railway corporations of the United States, and with the leaders of the representative organizations of railway employees. The 40 railways mentioned operate 112,353 miles, or 58.2 per cent of the total mileage of the United States, as

given in the Interstate Commerce Commission's Report for the year ending June 30, 1900, and employ 633,023 employees, or 62.2 per cent of the total number of railway employees. A series of questions relating to railway labor was sent out by the author to 62 railway corporations, selected with especial reference to their geographical distribution and their relative importance in the railway industry of the country. The answers received covered the facts for about two-thirds of the corporations originally selected. The questions asked, together with most of the replies received, are published in the report made by the author of this article to the Industrial Commission, printed in the Reports of the Commission, on the subject of transportation. (a) Much valuable testimony from railway presidents, chiefs of railroad brotherhoods, and from well-informed specialists will be found in the Report of the Industrial Commission, Volume IV, Transportation.

## REQUIREMENTS AND REWARDS OF RAILWAY EMPLOYMENT.

### NUMBERS AND CLASSIFICATION OF RAILWAY EMPLOYEES.

From the Thirteenth Annual Report of the Interstate Commerce Commission on the Statistics of Railways in the United States, it appears that on June 30, 1900, there were 1,017,653 employees of all classes engaged in railway transportation. This gives an average of 529 employees per hundred miles of line, and an increase of 88,729 employees, or  $3\frac{1}{4}$  employees per hundred miles of line, as compared with the previous year. It shows also a considerable increase in the total number of employees and in the number per hundred miles of line over any year of the previous period of 10 years. The year 1893 comes next in intensity of traffic as measured by the number of employees per 100 miles of line. But at the same time, with this increase of employees per hundred miles of line, there was an increase in the amount of work performed by each employee. The figures for 1893 show for the freight service the movement of 107,129 ton-miles of traffic per employee, while the figures for 1900 show 139,143 ton-miles per employee.

It would seem from these returns that the year 1893 may be considered the high-water mark in railway employment prior to the period of depression. It would appear that something has been learned by the necessities of hard times, and that railway employment is more intense now than formerly, which is probably an advantage both to employees and to the public, since the former are paid largely by piece work, and the latter gains by reduction in total cost.

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<sup>a</sup> See Report of the Industrial Commission, Volume XVII, pages 709-1135.

The classification of these employees into 18 separate classes and the number per hundred miles of line in each class for the year 1900, and for each of the 10 previous years is shown in the following table:

TOTAL EMPLOYEES AND EMPLOYEES PER 100 MILES OF LINE, BY CLASSES OF OCCUPATIONS, FOR THE YEARS ENDING JUNE 30, 1890 TO 1900.

Class.	1890.		1891.		1892.		1893.		1894.		1895.	
	Number.	Per 100 miles of line.										
General officers.....	5,160	3	5,271	3	6,104	4	6,610	4	5,257	3	5,407	3
Other officers.....	22,239	14	23,879	15	25,469	16	27,584	16	24,779	14	26,583	15
General office clerks	25,665	16	26,192	16	26,829	16	28,019	17	28,199	16	29,014	16
Station agents.....	66,431	43	67,812	42	69,511	43	75,181	44	71,150	41	73,569	41
Other station men.....	33,354	21	34,801	22	36,739	23	38,781	23	35,466	20	34,718	20
Enginemen .....	34,634	22	36,277	22	37,747	23	40,359	24	36,327	21	35,516	20
Firemen.....	23,513	15	24,523	15	26,042	16	27,537	16	24,823	14	24,776	14
Conductors.....	61,734	40	64,537	40	68,732	42	72,959	43	63,417	36	62,721	35
Other trainmen .....	27,601	18	27,388	17	28,783	18	30,869	18	29,245	17	27,740	16
Machinists .....	87,936	24	87,718	23	40,080	25	41,878	25	36,328	21	35,564	20
Carpenters .....	80,738	52	83,865	52	87,615	54	93,709	55	84,359	48	88,661	50
Other shopmen.....	27,129	17	27,890	17	28,753	18	29,699	18	29,660	17	29,809	17
Seetion foremen.....	157,036	101	163,913	102	171,810	106	180,154	106	150,711	85	155,146	87
Other trackmen.....	37,669	24	40,457	25	42,892	26	46,048	27	43,219	25	43,158	24
Switchmen, flagmen, and watchmen.....	18,968	12	20,308	13	20,970	13	22,619	13	22,145	13	20,984	12
Telegraph operators and dispatchers ..	6,199	4	5,911	4	5,332	3	6,146	4	7,469	4	5,779	3
Employees, aeeount floating equipment	83,300	53	93,543	58	98,007	60	105,450	62	85,276	48	83,355	47
Total .....	749,301	479	784,285	486	821,415	506	873,602	515	779,608	444	785,034	441

Class.	1896.		1897.		1898.		1899.		1900.	
	Number.	Per 100 miles of line.	Number.	Per 100 miles of line.						
General officers.....	5,372	3	4,890	3	4,956	3	4,832	3	4,916	3
Other officers.....	2,718	1	3,830	2	3,925	2	4,294	2	4,669	2
General office clerks	26,328	14	26,837	15	26,845	15	29,371	16	32,265	17
Station agents.....	29,723	16	30,049	16	30,699	17	30,787	16	31,610	16
Other station men.....	75,919	42	74,569	41	78,603	43	83,910	45	89,851	47
Enginemen .....	35,851	20	35,667	19	37,939	20	39,970	21	42,837	22
Firemen .....	36,762	20	36,735	20	38,925	21	41,152	22	44,130	23
Conduetors .....	25,457	14	25,322	14	26,876	15	28,232	15	29,957	16
Other trainmen.....	64,806	36	63,673	35	66,968	36	69,497	37	74,274	39
Machinists .....	29,272	16	28,229	15	28,832	16	30,377	16	32,831	17
Carpenters .....	38,846	21	37,740	20	40,374	22	42,501	23	46,666	24
Other shopmen.....	95,613	53	91,415	50	99,717	54	103,937	55	114,773	60
Seetion foremen ....	30,372	17	30,414	17	30,771	17	31,690	17	33,085	17
Other traekmen.....	169,664	93	171,752	94	184,494	100	201,708	107	226,799	118
Switchmen, flagmen, and watchmen....	44,266	24	43,768	24	47,124	25	48,686	26	50,789	26
Telegraph operators and dispatchers...	21,682	12	21,452	12	22,488	12	23,944	13	25,218	13
Employees, aeeount floating equipment	5,502	3	6,409	3	6,349	3	6,775	4	7,597	4
All other employees and laborers .....	88,467	49	90,725	49	98,673	53	107,261	57	125,386	65
Total.....	826,620	454	823,476	449	874,558	474	928,924	495	1,017,653	529

While the above table shows the general density of railway employees of the various classes for the United States, and thus indicates the average intensity of traffic for the whole of the United States from year to year, the figures making up this average vary considerably for

the different territorial groups of States or sections of the country. The Interstate Commerce Commission in its statistical tables distributes all such statistics into 10 groups of States. The greatest intensity of traffic as indicated by the average number of employees per hundred miles of line is shown for the group corresponding very closely to the Middle Atlantic States, where the average number of employees per hundred miles of line in 1900 was 1,140. The next highest intensity was for the group corresponding to the New England States, 827, and the lowest was for the Middle Northwestern States (Montana, Wyoming, Nebraska, and part of North and South Dakota), where the number of employees per hundred miles of line in 1900 was only 303.

For all classes of employees the numbers given are obtained by the Interstate Commerce Commission from the pay rolls for June 30 of each year, and the railroads are instructed not to include laborers engaged in the construction of new lines. The statistical method followed by the Commission must be borne in mind in making any comparison with European statistics, because the figures for foreign countries usually give the average number of men employed during the year. How nearly comparable the figures calculated on these two plans may be must be left to the judgment of the reader. Dr. Weyl in his report (*a*) on the railways of Great Britain showed that in 1895 the total number of men employed was about 5 times as many per hundred miles of line as on the American railways at the same time. In France nearly  $2\frac{1}{2}$  times as many employees per hundred miles of line were employed, and in Prussia the statistics for the State railways showed slightly over  $3\frac{1}{2}$  times as many per hundred miles of line as in this country.

The importance of railway employment may also be estimated by the ratio of the total number of railway employees to the total number of persons engaged in gainful occupations in the United States. According to the census of 1890 the number of railway employees was about 2 per cent of the total number of persons over 10 years of age engaged in gainful occupations.

#### **QUALIFICATIONS DEMANDED IN THE CHIEF GRADES OF SERVICE.**

In applying for railway employment an applicant is usually given certain blanks to be filled out, giving some general information concerning his age, previous experience, positions held, with references, etc. This must be accompanied with a certificate of character, and a certificate of physical examination if the work for which he applies demands this. Additional forms are then filled out, giving special information for the particular branch of work he desires to enter.

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*a* See Bulletin of the Department of Labor, No. 20, January, 1899.

Typical blanks, such as are actually in use on one road operating over 5,000 miles of line and employing over 32,000 men, are as follows:

Applicants for employment in the following grades of service with this company are required to undergo a thorough examination to determine their visual power, color perception, hearing, and physical qualifications generally to perform the duties of the position which they seek to obtain: Station agents, telegraph operators, station baggagemen, enginemen, firemen, hostlers, conductors, collectors, train baggagemen, brakemen, train porters, yardmasters, switchmen, towermen, switch tenders, and such other grades as may be required.

All applications for employment must be made in duplicate on Form —, two copies of which will be furnished to such applicants as superintendents or other employing officers may select; the blanks must be carefully and correctly filled, and all questions must be answered; all answers must be in ink, the application in the handwriting of the applicant, and each voucher in the handwriting of the signer thereof; applications executed or dated, or the vouchers of which are executed or dated, more than 30 days before the date of filing will not be accepted.

When both copies of the application blank are filled out they shall be delivered to the employing officer from whom received, by whom they shall be examined. If both copies are in correct form they shall be returned to the applicant, together with an order on Form —, addressed to a company's examining surgeon, directing that a physical examination be made. The applicant will deliver both copies of the application blank, together with the order, to the surgeon designated, who will conduct the examination and certify to the result in the place provided upon the blanks therefor, sending one copy to the employing officer signing the order for examination and the other copy to the chief surgeon direct.

If the report of the examination be satisfactory to the chief surgeon, he will forward his copy of the application to the chief claim agent for file; if he does not approve the findings he will advise the superintendent of the division immediately of his exceptions and communicate with the examining surgeon.

An examination fee of \$1 is paid by the company, in all cases, to the surgeon conducting the examination. Employing officers in charge of pay rolls are instructed to deduct \$1, examination fee, upon the pay rolls in favor of the company, from the first month's wages of all applicants accepted and assigned to service. The examination fee of rejected applicants, or those who may not be given employment, will be borne by the company.

Persons of the various grades named may be allowed to enter the service on probation after they have passed a satisfactory physical examination; but no applicant will be considered an accepted employee until the superintendent has affixed his written approval to the application, of which notice will be given to the applicant.

*Questions.*

1. For what position do you apply?
2. What is your name in full? (Give your first name in full, your middle initial or initials, if you have any, and your surname in full.)
3. (a) Where were you born?
  - (b) What was the month, day, and year of your birth?
  - (c) What was your age on your last birthday?
4. What is your actual residence?
5. (a) Are you married or single? (If married, give your wife's first name and her residence.)
  - (b) If you are not married, give the residence of your parents or other nearest living relative, specifying relationship.
6. Are any persons dependent upon you for support, or do you contribute to the support of any persons? (If you answer yes, give their names, relationship, and address.)

7. What is your height?  
What is your weight?  
What is color of your eyes?  
What is color of your hair?
8. Are you employed at present?  
In what capacity?  
By whom?  
Address of employer.
9. Where did you last work?  
In what capacity?  
What was name of employer?  
Address of employer.  
What caused you to leave such employment?
10. (a) Are you addicted to the use of intoxicating liquors, morphine, or opium?  
(b) Have you ever been addicted to the use of these articles?
11. (a) Have you ever been in the employ of the \_\_\_\_\_ railroad company?  
(b) If so, give location, capacity, and date.  
(c) Cause of leaving such employ.
12. (a) Have you ever before made application to this road for employment?  
(Give date and to whom.)  
(b) Have you been subject to physical examination by any surgeon of this company? (Give name of surgeon.)  
(c) Were you accepted or rejected?
13. (a) Is your eyesight good?  
(b) Can you distinguish colors?  
(c) Is your hearing good?  
(d) Are you in sound health?
14. Have you any relations in the service of this company? (Give name, relationship, position; and location.)
15. State in proper form below what railroad experience you have had:
  - (a) Name of railroad.
  - (b) City or town at which employed.
  - (c) Name of State.
  - (d) Name and present address of employing officer.
  - (e) Your occupation in such service.
  - (f) Date you entered such service.
  - (g) Date you left such service.
16. Have you ever been dismissed from any situation? (Give particulars as to number of times, when, and where.)
17. Have you ever been injured? (Give place and time and extent of injury.)
18. Have you now or have you ever had any litigation with any railroad company?  
(Give particulars.)

I do hereby make application for employment in the service of \_\_\_\_\_, and accept all the conditions under which this application is made; and if employment is obtained I agree to assume all the risks and dangers incident thereto and to abide by the rules of said company.

(Sign here) \_\_\_\_\_.

My present address is \_\_\_\_\_.

Dated at \_\_\_\_\_ this — day of —, 190—.

NOTE.—The following oath must be taken before an officer authorized to administer oaths for general purposes:

State of \_\_\_\_\_, County of \_\_\_\_\_, ss.:

Before me, the undersigned, this day personally appeared \_\_\_\_\_, who, being first duly sworn, upon his oath doth say that he is the person described in the

foregoing application; that the answers given are in his own handwriting; that the name signed by him thereto is his own, and that each and every answer and statement made in the foregoing application is true.

Sworn and subscribed before me this — day of —, 190—, at —, County of —, and State of —.

[SEAL.]

(Signature of officer) ——————

(Official title) ——————

Every applicant must furnish certificates from not less than two citizens, who must be at least 21 years of age, and who are personally acquainted with the applicant. Certificates will not be accepted from the father, mother, sister, brother, husband, wife, or child of the applicant, and not more than one certificate will be accepted from a relative of a more remote degree.

#### VOUCHER NO. 1.—CERTIFICATE OF CHARACTER.

I, the undersigned, a citizen and more than 21 years of age, hereby certify and declare upon my honor, that I am by occupation a ——; that I now reside in ——, County of —— and State of ——, having resided there since ——, 190—; that I am personally acquainted with ——, the applicant hereon, and that the answers made by me to the following questions are in my own handwriting, and are true to the best of my knowledge and belief:

#### *Questions.*

1. How long have you been acquainted with the applicant?
2. Are you related to him? (If so, give the degree of relationship.)
3. Is the applicant addicted to the use of intoxicants, morphine, or opium?
4. Has the applicant ever been addicted to the use of these articles?
5. Is the applicant of good moral character and repute?
6. Are you aware of any circumstances tending to disqualify the applicant for the service he seeks?
7. Would you, yourself, trust the applicant with employment requiring honesty and reliability?

Date ——, 190—.

(Signature) ——————

(Address) ——————

#### SURGEON'S CERTIFICATE OF EXAMINATION.

To be filled out after a personal examination of the applicant, and signed by the company's examining surgeon at any of the following points (here follow the names of 26 of the main stations on the company's lines).

Report of the result of personal examination by me of Mr. ——

(The applicant must sign his name above in presence of surgeon.)

Applicant for position of ——.

1. When placed at a distance of 20 feet from the test types, the last five letters read carefully by the applicant are:

Left eye ——.

Right eye ——.

- (a) The applicant selects skeins numbered as follows, as being the same color as test skein (A): ——.

(b) The following as being the same color as test skein (B): ——.

(c) The following as being the same color as test skein (C): ——.

3. The applicant hears the tick of the watch with the right ear at —— inches; with the left ear at —— inches. For ordinary conversation at a distance of 20 feet, hearing is —— (expressed in fractions).

I hereby certify, that having examined the visual power, color perception, and sense of hearing of the applicant herein, and his physical condition in general, I find him { qualified } to fill the position of ——. I certify further that there is evidence of his having been successfully vaccinated, and that he is not suffering from any disease or disability, nor does he manifest any evidence of an abuse of intoxicating liquors.

Disqualifying defects ——.

Defects that do not disqualify ——.

(Signature of surgeon making examination) —— ——,

Surgeon at ——.

Date of examination, ——, 190—.

Very minute instructions are given to the surgeons conducting the physical examinations and very accurate tests have been worked out on the basis of railroad experience to test color perception and other necessary physical qualifications. These tests are uniformly applied under carefully printed instructions issued to all examining surgeons for any one company and are quite similar for all railroad companies with high standards. The examinations for promotion in the service are often more minute and severe than those indicated above for entrance into the service, because most roads do not employ new men at all except in the lower grades. It will be noted that the above application blanks in present use on one large railroad lay particular stress upon a man's previous employment and make ample provision for opportunity to get at his previous record. Since the great railroad strike of 1894 the railroads centering in Chicago and recently many others demand a "clearance card" or paper stating record and cause of discharge signed by an official of the road with which he last worked. This practice has been denounced by railroad employees as a conspiracy on the part of the roads to prevent men who have gone out on a strike or who are members of tabooed labor organizations from getting employment. The matter has been brought up in court in the so-called blacklisting cases (*a*), but thus far the courts have held the clearance card to be legal; and even if it were not required the information demanded by the above blanks would furnish ample clues to a man's previous employer, from whom such information could be readily obtained. By comparison of the grades of service for which the above blanks are intended, with the total number of railway employees of these grades in the United States in 1900, as given on page 1026, it will be seen that these tests and qualifications cover about 388,666 employees, or over 38 per cent of the grand total of railway employees in the country. The remaining 62 per cent comprise about 23 per cent of general officers, office clerks, and skilled mechanics in various trades whose qualifications are the same as in the business world generally, and 39 per cent of the grand total who are ordinary

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*a* See page 1063 et seq.

unskilled laborers, for whom the sole qualifications are physical health and willingness and ability to perform manual labor.

For all employees except the unskilled day laborers the railways of the United States demand men who have a good common-school education as a general basis. They then require the major part of their employees to work their way up through the lower grades of the service, familiarizing themselves by actual experience in the service with the needs of the better paid positions for which they have special aptitude and natural ability. College graduates frequently begin in train service as firemen on freight engines. The better general training and education a man has before entering railway employment the more rapid is apt to be his advancement.

Freedom from the use of intoxicating liquors is very generally demanded and enforced. Some roads have recently established rules against the employment of habitual cigarette smokers, on the ground that such men are physically incapacitated for railway employment by a disordered nervous system.

The age qualifications have changed greatly in recent years, and are now uniformly lower than they were 10 years ago. It is now difficult for anyone over 35 years of age to enter railway service without previous railway experience, and many roads do not employ new men at all over this age. On this point, as well as on the relation of the various grades as indicated in the order of advancement or promotion, the practice of American roads may be studied from a few typical replies from the officers of important railway systems when asked concerning the requirements for admission to the various grades of the service. Four replies, which represent roads operating a total of 19,225 miles of line and employing 172,384 men, and which may be considered fairly typical of general conditions, are as follows:

#### REQUIREMENTS FOR ADMISSION TO RAILWAY EMPLOYMENT.

[This railway company operates 1,476 miles of line and employs 8,000 men.]

Enginemen: Promote from firemen. (Do not employ.)

Firemen:

Not under 21 or over 27 years of age.

Physically—robust.

Physical proportion—normal.

Health—good.

Eyesight—perfect.

Hearing—perfect.

Character—good.

Habits—free from dissipation.

Education—at least common school.

Conductors: Promote from brakemen. (Do not employ.)

Brakemen: Same as for firemen.

Mechanics (machinists, carpenters, masons, blacksmiths, etc.):

Competent (demonstrated by trial).

Not over 35 years of age.

Physically—robust.

Physical proportion—normal.

Health—good.

Eyesight—good.

Hearing—good.

Character—good.

Habits—free from dissipation.

Education—sufficient.

Station agents: Promote from telegraph operators, clerks, etc. (Do not employ.)

Clerks:

Competent (demonstrated by trial).

Health—good.

Eyesight—good.

Hearing—good.

Character—good.

Habits—free from dissipation.

Education—sufficient.

Telegraph operators:

Competent (demonstrated by trial).

Health—good.

Eyesight—good.

Hearing—good.

Character—good.

Habits—free from dissipation.

Education—sufficient.

#### REQUIREMENTS FOR ADMISSION TO RAILWAY EMPLOYMENT.

[This railway company operates 4,996 miles of line and employs 31,996 men.]

*Transportation and machinery departments.*—Applicants for employment must be of sound health, free from physical, mental, or moral infirmities, and produce satisfactory evidence of previous record, character, and ability. Employees will be selected from applicants whose character, intelligence, physical capacity, and general appearance indicate that their services will be efficient and satisfactory, and who are likely to develop ability sufficient to merit advancement in the service. For positions above that of laborer, no person will be employed who can not read and write the English language, or who does not possess a knowledge of the rudiments of arithmetic. Persons deficient in hearing, visual power, or color perception shall not be employed in any branch of the service involving the use of signals, or the movement of engines or trains. Minors shall not be employed in train, yard, or engine service. Employees dismissed from the service will not be reemployed without the consent of the head of the department or division from which dismissed, and the approval of the assistant general superintendent. Applicants for reemployment or reinstatement must undergo the same examinations as applicants for employment, and as covered by the rules of the surgical department relative to physical examinations.

*Road department.*—The majority of the employees in this department are common laborers, and there are no special requirements for admission to the service other than physical ability to perform the labor required, and being of the age of 21. In selecting men for the higher grades of service, we select those who have a technical education to fit them for the requirements of the position, and they are also usually required to come up through the lower ranks, which, of course, gives them the necessary experience.

## REQUIREMENTS FOR ADMISSION TO RAILWAY EMPLOYMENT.

[This railway company operates 5,036 miles of line and employs 16,088 men.]

*Enginemen and trainmen.*—Men are required to pass a physical examination, including eye and ear, and must pass a satisfactory examination on the company's transportation rules. Each employee is furnished with a book of rules.

*Operators.*—In addition to being competent, telegraphers are required to pass satisfactory examination upon the book of transportation rules so far as it affects the duties of their positions.

Employees in all other departments are not required to pass examinations, their duties being largely clerical, general efficiency governing.

## REQUIREMENTS FOR ADMISSION TO RAILWAY EMPLOYMENT.

[This railway company operates 7,717 miles of line and employs 116,300 men.]

Applicants in order to obtain positions in the employ of the company are required to be under 35 years of age, and the qualifications and the requirements necessary to enable them to secure employment vary in the different departments according to the nature of the work or service to be performed. Applicants for clerkships, etc., are generally required to pass a satisfactory examination in arithmetic, penmanship, composition, etc.

Applicants for positions in the train service must have certain physical qualifications, and also have good eyesight, "color sense," hearing, intelligence, etc. Appointments to mechanical positions in shops, etc., are selected from mechanics who are skilled in their respective trades, and have thorough knowledge of the machinery or work upon which they will be employed. Maintenance of way forces, etc., and lower grades of manual laborers are not required to have any special qualifications, other than to be physically able to perform the work assigned to them.

From what has already been said it will be seen that railway service is exacting in its initial requirements and must appeal chiefly to the higher grades of ability in the labor world. It is a life work and to be entered as such, not as a temporary occupation. Permanency is well assured and the rewards are not incommensurate with the special gifts it demands nor with the sacrifices it frequently entails.

## WAGES AND WORKING HOURS.

The classification of railway employees as given in their enumeration above is not sufficiently minute to enable us to speak of average wages in each occupation with any degree of accuracy. To do so would require instead of 18 groups, as given in the statistics of the Interstate Commerce Commission, probably several hundred groups. Conditions vary greatly in so vast a territorial area as the United States, and Mr. William H. Baldwin, jr., president of the Long Island Railroad, a man with large railroad experience in 27 States, is authority for the statement that there is no standard wage for any class of railway labor for the whole country. The nearest approach to uniformity in wages paid will be found in highly organized grades of service, where, through organization, agreements and contracts are made with most of the roads, and these influence others which do not recognize

the organizations. The chiefs of the railway brotherhoods stated in their sworn testimony before the Industrial Commission that in most cases wages were fixed by joint agreement or contracts between the railroads and the employees' organizations. Such was stated to be the case for as many as 90 per cent of the engineers employed throughout the country, they having the best and most successful organization. (a)

An average wage, then, so far as data are available, for railway employment will scarcely give more than a rough estimate of general improvement and general decline in the remuneration of one general class of employees as compared with another. It is not an accurate estimate on which to base a judgment concerning the annual income of an individual member of any one of the general groups mentioned. The Interstate Commerce Commission presents the following table in its statistical report for 1900, giving a comparative summary of average daily compensation of railway employees by general classes for the years ending June 30, 1892 to 1900:

AVERAGE DAILY WAGES OF RAILWAY EMPLOYEES, BY CLASSES, FOR THE YEARS  
ENDING JUNE 30, 1892 TO 1900.

Class.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
General officers .....	\$7.62	\$7.84	\$9.71	\$9.01	\$9.19	\$9.54	\$9.73	\$10.03	\$10.45
Other officers.....			5.75	5.85	5.96	5.12	5.21	5.18	5.22
General office clerks.....	2.20	2.23	2.34	2.19	2.21	2.18	2.25	2.20	2.19
Station agents.....	1.81	1.83	1.75	1.74	1.73	1.73	1.73	1.74	1.75
Other station men.....	1.68	1.65	1.63	1.62	1.62	1.62	1.61	1.60	1.60
Enginemen .....	3.68	3.66	3.61	3.65	3.65	3.65	3.72	3.72	3.75
Firemen.....	2.07	2.04	2.03	2.05	2.06	2.05	2.09	2.10	2.14
Conductors.....	3.07	3.08	3.04	3.04	3.05	3.07	3.13	3.13	3.17
Other trainmen .....	1.89	1.91	1.89	1.90	1.90	1.90	1.95	1.94	1.96
Machinists .....	2.29	2.33	2.21	2.22	2.26	2.23	2.28	2.29	2.30
Carpenters .....	2.08	2.11	2.02	2.03	2.03	2.01	2.02	2.03	2.04
Other shopmen.....	1.71	1.75	1.69	1.70	1.69	1.71	1.70	1.72	1.73
Section foremen.....	1.76	1.75	1.71	1.70	1.70	1.70	1.69	1.68	1.68
Other trackmen.....	1.22	1.22	1.18	1.17	1.17	1.16	1.16	1.18	1.22
Switchmen, flagmen, and watchmen	1.78	1.80	1.75	1.75	1.74	1.72	1.74	1.77	1.80
Telegraph operators and dispatchers	1.93	1.97	1.93	1.98	1.93	1.90	1.92	1.93	1.96
Employees—account floating equipment .....	2.07	1.96	1.97	1.91	1.94	1.86	1.89	1.89	1.92
All other employees and laborers .....	1.67	1.70	1.65	1.65	1.65	1.64	1.67	1.68	1.71

The commission calls attention to the practice of American railways in recognizing two measurements for a day's work, the one being the number of hours per day and the other the amount of work accomplished. This is practically the same as in all industries where some men are paid by the day wage and others by piecework. For most trainmen in railway service the measure of a day's work is the number of miles run, in some cases 80 miles constituting a day's employment

<sup>a</sup> Messrs. E. E. Clark, grand chief conductor of the Order of Railway Conductors, and P. H. Morrisey, grand master of the Brotherhood of Railroad Trainmen, have published a handbook of over 375 pages giving the rates of pay and regulations governing employees in train and yard service on the principal railroads of the United States, Canada, and Mexico. It contains much interesting information. Published at Cedar Rapids, Iowa, 1900.

for engineers and firemen, in others 100 miles. This measurement varies for some roads, but the average daily compensation for the distance agreed upon is that used in the calculation of the above table. The commission states specifically in commenting on its own tables "that the average daily compensation of a locomotive engineer can not be compared with that of a machinist or a carpenter paid on the basis of time. In the case of shop employees, also, a similar condition presents itself, since some of these employees are paid by piecework; others are regularly employed at a given sum per month, per day, or per hour. In this case, however, there is no serious difficulty in the matter of comparison, because the conditions of employment are such that the rates of pay tend to equalize themselves for a given amount of service, whether computed by the piece or by the day." The commission also states in justification of its statistics that "from the point of view of the railway manager, these data, kept in a uniform manner from year to year, are significant when placed in comparison with the amount received for traffic; it is of importance to the railway employee as indicating the trend in average wages in the railway service."

The question of average hours of labor of railway employment is scarcely less perplexing than that of average wages. The nature of the service makes hours necessarily irregular in normal operations of railroad traffic. Emergencies frequently occur, due to accidents or condition of weather, when men may be required to work continuously from 20 to 30 hours, and in exceptional cases men have been continuously at work in train service for 36 hours. Of course this is neither to the interest of the men nor the road, and both parties to the labor contract desire to avoid such occurrences. Considerable testimony before the Industrial Commission from both railway managers and brotherhood officials showed that 10 hours constitutes a normal day for trainmen; those of firemen have been reduced from about 12 to 10, and the normal day for telegraphers and yardmen is about 12 hours. Trackmen complain most of long hours. In the South and West they usually work from sunrise to sunset and in most other sections from 10 to 11 hours a day. The track foremen, however, are usually held responsible for the condition of the track at all hours, and in bad weather frequently call out gangs of men to repair the track outside of regular working hours or during the night, and in many cases without pay for overtime. The feeling of the labor organizations among railroad men is clearly stated in the following joint statement (*a*) of the chief officers of the railway brotherhoods:

The necessity of changing train and engine crews at established points where terminal facilities are provided renders it impracticable to

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*a* See Report of the Industrial Commission, Volume IV, page 761.

arbitrarily fix the hours of labor of train and engine men. We think the hours of labor of yard and office men should be shortened, and we think they could reasonably be fixed by law. For train dispatchers and yard employees in large or busy yards, 8 hours should constitute a day. In all other classes of service 10 hours should be recognized as a day's work, and all time on duty in excess of 10 hours for a day's pay should be paid for as extra or over time. We should suggest an act specifying the legal workday as above and legalizing claims for extra pay for extra hours worked.

Inasmuch as the protection of the public demands that accidents caused by overwork or over-fatigued employees in the transportation service shall not occur, there has been considerable legislation in several States on the subject of hours of labor for railway employees. Ten hours is a legal day's work for all classes of railway employees in New York, Ohio, and Minnesota. Several States have statutes providing that railway employees shall not be compelled to work more than a specified number of continuous hours, after which there must be a specified period of rest. Thus in Georgia 13 hours is the maximum, after which 10 hours' rest must follow, unless trains are delayed by casualties or other causes; in Florida, 13 hours maximum, after which 8 hours' rest; Ohio, 15 and 8; Colorado, 18 and 8; in Minnesota, 18 hours, at any time, during one day is permitted, and 20 hours, except in case of casualty, is the maximum, without being followed by 8 hours of rest; New York and Michigan, 24 and 8; (a) and in Nebraska 18 consecutive hours is the maximum, after which 8 hours for rest must follow.

The representatives of 5 organizations of railway employees, assembled at Carnegie, Pa., on July 4, 1899, to the number of 2,300 men, adopted resolutions which they sent to the President of the United States and to both Houses of Congress, petitioning for legislation to restrict the hours of labor of employees in the transportation department of interstate railroads to 8 out of 24.

The following are a few typical replies from leading railroads in answer to questions concerning the average length of the working day in specified grades or departments of service, and also concerning the average daily wages of men employed in the same:

#### AVERAGE HOURS OF LABOR AND WAGES PER DAY, BY DEPARTMENTS.

[This railway company operates 2,306 miles of line and employs 22,306 men.]

Department.	Average hours per day.	Average wages per day.
Car department.....	9½	\$1.82
Transportation department.....	10½	1.93
Motive-power department.....	10½	2.26

<sup>a</sup> See Report of the Industrial Commission, Volume V, page 27 et seq.

## AVERAGE HOURS OF LABOR AND WAGES PER DAY, BY CLASSES OF OCCUPATIONS.

[This railway company operates 1,476 miles of line and employs 8,000 men.]

Class.	Average hours per day.	Average wages per day.
Clerks.....	10	\$1.81
Agents.....	10	1.54
Other station men.....	10	1.56
Enginemen.....	6 to 12	3.83
Firemen.....	6 to 12	2.15
Conductors.....	6 to 12	3.30
Other trainmen.....	6 to 12	2.07
Machinists.....	10	2.28
Carpenters.....	10	2.03
Other shopmen.....	10	1.80
Section foremen.....	10	1.46
Other trackmen.....	10	1.00
Switchmen, flagmen, etc.....	12	1.22
Operators and dispatchers.....	12	1.62

## AVERAGE HOURS OF LABOR AND WAGES PER DAY, BY CLASSES OF OCCUPATIONS.

[This railway company operates 2,288 miles of line and employs 12,839 men.]

In the clerical branch of the service the wages, of course, vary from the office boy, receiving from \$10 to \$15 per month, to the chief clerks and heads of departments at greater rates of pay. Time of service, 8 hours per day. In the maintenance-of-way or engineering department the working day is 10 hours per day, and the wages of day laborers is \$1.25 per day. In the mechanical department the average working day is from 9 to 10 hours, and the daily wages average \$1.65. In the train service trainmen, locomotive engineers, and firemen are paid by the miles run, and average from \$55 to \$60 per month for brakemen, \$75 to \$140 per month for conductors, \$65 to \$100 per month for firemen, and \$90 to \$175 per month for engineers.

## AVERAGE HOURS OF LABOR AND WAGES PER DAY, BY CLASSES OF OCCUPATIONS.

[This railway company operates 1,249 miles of line and employs 5,095 men.]

The average length of the working day in the operating department is 10 hours.

In the mechanical department a shop day is 10 hours, an office day 8 hours, and the average day for enginemen is less than 8 hours, although there are some engine-house men who work 12 hours.

## AVERAGE HOURS OF LABOR AND WAGES PER DAY, BY CLASSES OF OCCUPATIONS.

[This railway company operates 5,326 miles of line and employs 21,055 men. Average length of working days for all grades, 10 hours.]

Class.	Main line.		—— branch.		—— branch.	
	Number.	Average daily wages.	Number.	Average daily wages.	Number.	Average daily wages.
General office clerks.....	330	\$1.91	31	\$1.85	352	\$1.89
Station agents.....	461	1.98	64	1.69	262	1.74
Other station men.....	866	1.62	62	1.26	590	1.55
Enginemen.....	430	3.68	37	3.63	283	3.70
Firemen.....	441	2.21	43	2.16	317	2.22
Conductors.....	456	3.31	32	3.33	238	3.35
Other trainmen.....	1,125	1.97	61	2.09	646	1.98
Machinists.....	273	2.72	19	2.66	162	2.84
Carpenters.....	498	2.31	24	2.28	358	2.24
Other shopmen.....	1,492	1.93	166	1.77	1,087	1.85
Section foremen.....	543	1.51	57	1.46	324	1.66
Other trackmen.....	2,953	1.15	347	1.12	1,473	1.16
Switchmen, flagmen, and watchmen.....	608	2.17	68	2.42	334	2.29
Telegraph operators and dispatchers.....	276	2.25	16	2.32	178	2.46
Employees—account floating equipment.....					41	2.24
All other employees and laborers.....	1,419	1.62	91	1.64	1,121	1.50
Total.....	12,171	1.88	1,118	1.76	7,766	1.87

## AVERAGE HOURS OF LABOR AND WAGES PER DAY, BY CLASSES OF OCCUPATIONS.

[This railway company operates 6,066 miles of line and employs 32,544 men.]

Track labor, 10 hours per day. Trackmen receive on an average \$1.25 per day, or about \$360 per year.

Station labor, 10 to 12 hours per day. The pay of station labor varies in small towns from \$1.25 per day to New York City, at \$1.70 per day. The average annual income is about \$360, and in New York City about \$540.

Train employees' hours of duty vary with the runs. These employees are paid by the mile at various rates, passenger trainmen averaging per annum about \$600; freight brakemen, about \$700; passenger conductors, about \$1,200; freight conductors, about \$900; firemen, about \$840, and enginemen, about \$1,500.

In our shops machinists receive from 13½ to 28 cents per hour, and average about \$720 per year.

Machinists' helpers receive from 12 to 18 cents per hour, and average about \$480 per year.

Lathemen receive from 17 to 25 cents per hour, and average about \$700 per year.

Boilermakers receive from 15 to 30 cents per hour, and average about \$750 per year.

Boilermakers' helpers average from 11 to 18 cents per hour, and average about \$480 per year.

Blacksmiths receive from 14 to 30 cents per hour, and average about \$740 per year.

Tinsmiths receive from 20 to 23 cents per hour, and average about \$750 per year.

Plumbers receive 23 cents per hour, and average about \$745 per year.

Gasfitters receive 18 to 25 cents per hour, and average about \$700 per year.

Carpenters receive 20 to 23 cents per hour, and average about \$725 per year.

Painters receive 19 to 24 cents per hour, and average about \$700 per year.

Pattern makers receive 23 to 25 cents per hour, and average about \$750 per year.

Their hours vary with the amount of work to be done. Overtime is allowed after 10 hours, and is paid for at time and one-half.

## AVERAGE HOURS OF LABOR AND WAGES PER DAY, BY CLASSES OF OCCUPATIONS.

[This railway company operates 636 miles of line and employs 2,654 men.]

Class.	Average hours per day.	Average daily wages.
Station agents .....	12	\$2.51
Other station men .....	12	1.98
Engineers .....	10	4.10
Firemen .....	10	2.80
Conductors .....	11	3.78
Other trainmen .....	11	2.85
Machinists .....	10	3.16
Carpenters .....	10	2.75
Other shopmen .....	10	2.15
Section foremen .....	10	2.04
Other trackmen .....	10	1.51
Switchmen and flagmen .....	10	2.61
Operators and dispatchers .....	12 and 8	2.52
Other employees .....	10	2.36

## TOTAL YEARLY EARNINGS AND AVERAGE DAILY WAGES, BY CLASSES OF OCCUPATIONS.

[This railway company operates 2,037 miles of line and employs 25,318 men.]

Class.	Total yearly earnings.	Average daily wages.
General office clerks .....	\$630,464.65	\$2.13
Station agents .....	568,053.55	1.97
Other station men .....	4,251,765.12	1.85
Enginemen .....	1,192,668.25	3.82
Firemen .....	652,593.20	2.08
Conductors .....	761,072.00	3.29
Other trainmen .....	1,351,270.00	2.00
Machinists .....	422,858.05	2.36
Carpenters .....	748,980.25	2.23
Other shopmen .....	1,197,468.20	1.92
Section foremen .....	452,294.40	2.33
Other trackmen .....	1,747,883.55	1.49
Switchmen, flagmen, and watchmen .....	776,426.30	1.49
Telegraph operators and dispatchers .....	323,031.30	1.91
Employees—account of lighterage department .....	198,797.55	1.70
All other employees and laborers .....	976,277.03	1.69

The average hours of labor per day were as follows: Trainmen, 10 hours; telegraph service, 10 hours; trackmen and bridgemen, 10 hours; mechanics, 10 hours; laborers, 10 hours; station men, 11 hours; engineers and firemen, 8½ hours.

#### AVERAGE HOURS OF LABOR AND WAGES PER DAY, BY CLASSES OF OCCUPATIONS.

[This railway company operates 2,183 miles of line and employs 5,241 men.]

Class.	Average hours per day.	Average daily wages.
Engineers.....	9	\$4.00
Firemen, white .....	9	2.00
Conductors.....	10	3.00
Trainmen, white.....	10	1.50
Operators.....	12	1.50
Section foremen.....	10	1.50
Station men.....	12	1.40
Yardmen.....	12	1.50
Shopmen.....	10	2.50
Laborers.....	10	.90

The above 9 railroads operate a total of 23,567 miles of line, and employ a total of 135,112 men. So far as wages are concerned, in cases where comparisons can be made with the figures of the Interstate Commerce Commission, the average of these replies do not vary greatly from the figures quoted in the Commission's statistics, but serve to show somewhat the degree of variation in the data used in making up the Commission's more general average.

The question of wages is a much more debatable one and is apt to cause more friction between employer and employee than that of hours. Indeed, the latter usually resolves itself into a contest for pay for overtime and therefore becomes in reality a question of wages. Notwithstanding numerous complaints, especially from the lower grades of railroad labor, which claim to be underpaid, the general level of wages in railroad employment is maintained with probably less variation than in most departments of industry. During the trade depression of 1893, which was felt by the transportation business, wage reductions were not made except as a last resort, and some leading railroad systems maintained their old rates throughout the period of depression. Others reduced wages, but have since increased them to the old rates or better ones.

With reference to the hours of labor, it is questionable whether economic conditions and the present high degree of intensity of service would justify an 8-hour day as a standard for all railways of the country. The facts of the case show that on fast express trains men in the train service frequently work less than that at the present time, some of them making good wages on the mileage basis with 5 or 6 hours working time per day. It is also clear that many economic forces are at work in the transportation business to fix a day's work at or as near 10 hours as possible. This seems to be the point of equilibrium at which the economic interests of both employer and employee under existing conditions can best meet.

**SUNDAY WORK AND REST.**

The peculiar conditions of railway traffic not only make long and irregular hours often necessary, but require, especially in certain branches of the service, a very considerable amount of Sunday work. This is a frequent cause of complaint on the part of railway employees. From replies received from the leading railway companies it is evident that it is the intention of such employers to limit Sunday service to the necessities and requirements of their business. There seems to be a very general recognition that such a policy is in the interest of the labor force and must be carried out to guarantee efficiency. The requirements of the service vary greatly on certain roads. The following cases will serve as illustrations:

The Boston and Maine Railroad, employing over 22,000 men and operating about 2,300 miles of line, reports that 10 per cent of its employees in the car department, 25 per cent in the transportation department, and 20 per cent in the motive-power department are required to work on Sunday. Another railway company, employing 8,000 men, reports the following percentages required for Sunday work: Enginemen, firemen, conductors, and brakemen, 20 per cent; station agents, 50 per cent; clerks, 10 per cent; telegraph operators, 95 per cent. The Chicago Great Western Railway Company, employing nearly 4,000 men, reports that about 35 per cent of its total employees are required to work on Sunday. The Chicago, Indianapolis and Louisville Railway Company, employing over 2,000 men, reports 30 per cent. The Chicago, Rock Island and Pacific Railway Company, employing 11,700 men, reports "probably less than 20 per cent." The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, employing 12,800 men, reports in the maintenance of way and engineering department about 20 per cent; in the mechanical department, which includes inspectors, repairers, car cleaners, and roundhouse men, about 28 per cent, and in the train-service department about 25 per cent. The Illinois Central Railroad Company, employing nearly 32,000 men, reports that all stations, warehouses, and places for receipt or delivery of freight are closed on Sunday, and practically none of the employees in these grades are required to be on duty. In engine, train, and yard service, the requirements vary according to the volume of business. In busy seasons it is customary to move many trains; at other times but a small number. It is probable that in engine, train, and yard service, one-half of the employees are sometimes required to work on Sunday, the proportion being greater in a heavy season and less in a light season. In the road department probably 10 per cent of the employees work on Sunday. Another Western road, employing 2,000 men, reports that 80 per cent of enginemen and firemen, 50 per cent of station agents, practically

all switchmen, flagmen, and watchmen, and 90 per cent of the telegraph operators have Sunday work. Another Western road, employing 5,000 men, reports that 20 per cent of all employees in the operating department work on Sunday and about 15 per cent of those in the mechanical department. Still another road, employing 17,500 men, reports that 20 per cent of all employees, on the average, work on Sunday; the Michigan Central Railroad Company, employing about 11,000 men, reports about 15 per cent; the New York Central, employing 32,500 men, about 20 per cent; the Oregon Railroad and Navigation Company, employing 3,700 men, about 50 per cent; the Southern Railway, employing 25,000 men, about 10 per cent, and on the Southern Pacific, employing 31,000 men, between one-fourth and one-third of the total number of employees work Sunday, while on the Texas and Pacific Railway, employing 5,600 men, about 20 per cent are required for Sunday work.

It will be seen from the above statements that there is considerable variation in the demands of employers for Sunday work. The figures quoted do not mean that so large a percentage are required to work every Sunday, but that for these men Sunday work is frequent and probably of sufficient amount to warrant the conclusion that they do not get, with any degree of regularity, one day's rest in seven.

Many States have statutes regulating the observance of Sunday, intended to protect the rights of all laborers to rest one day in the week, but these statutes are usually liberally construed, especially with reference to the transportation service. Railway presidents in their testimony before the Industrial Commission, and practically all the representatives of railway employees, admitted that there is a tendency to increase Sunday traffic on most railways, because of the increased mobility of population, which demands not only regular passenger service, but additional service for excursions, and also because of the shipment of greater quantities of perishable freight. In Prussia a recent law has been promulgated by the minister of public works applying to the State railways, by which the hours of labor and of rest are fixed as follows:

If the duties require unremitting exertion and strict attention, the daily average of the hours of labor of station agents, assistant station agents, telegraphers, switching foremen, overseers, and switchmen shall not exceed 8 hours, and the duration of a single task shall not exceed 10 hours, while that of conductors and brakemen shall not exceed 14 hours, with certain minor exceptions. The daily hours of labor of all train employees shall on the average for the month not exceed 11 hours daily, while the single task shall not exceed 16 hours, and long hours may be required only when succeeded by proportionately long terms of rest. The rest must be taken at home, as far as possible,

during the night. The daily average of hours for locomotive employees for the month shall not exceed 10 hours, and in no single case exceed 11 consecutive hours. Every person steadily employed in the train service shall have at least 2 days of rest per month; the period of rest of the train and locomotive employees at their respective homes shall not be less than 10 consecutive hours. The principles underlying this Prussian law have been embodied successfully in some of the State legislation in this country. The most effective remedy is legislation providing a maximum number of hours per day, after which a specified rest period is required, and also regulating the maximum number of days per week or per month in which men may be employed, after which a specified period of rest must be allowed.

Mr. Frank P. Sargent, grand master of the Brotherhood of Locomotive Firemen, in his testimony before the Industrial Commission, (a) stated: "We believe that there is manifest on the part of the railways a disposition to be as fair and equitable in the establishment of hours of labor for train-service employees as is practicable with the business to handle. There has been a disposition manifested on the part of the railroad companies to abolish Sunday work just as far as they can do it, and there is a great deal less Sunday work done to-day than there was 5 or 6 years ago. The organizations have gone on record as against Sunday labor. The men want Sunday to be with their families; they think they should have it; they believe when they have worked 6 days there should be a day for rest, and that should be on Sunday. At the same time, they realize that there is a certain demand of the public which the railroad companies must respond to." Mr. Sargent also pointed out that in the New England States very little Sunday work is done, while railroad men in the West are pretty generally engaged on Sunday.

The representatives of 5 of the railway employees' brotherhoods and orders signed a joint statement, in which they said that "the running of trains on Sunday should be abolished as far as practicable." Mr. A. B. Stickney, president of the Chicago Great Western Railway Company, along with several other railway presidents, stated clearly in his testimony before the Industrial Commission that it is the purpose of the railroads to reduce Sunday labor as much as possible. The question of abolishing it altogether was discussed by President Callaway, of the New York Central, and President Cowen, of the Baltimore and Ohio, who maintained that it would not be possible. Many other witnesses pointed out the ways in which such restrictive legislation as already exists is evaded, as for example by attaching one car of perishable freight or a car of animals, which would suffer if left standing, to a train composed of goods the transportation of which

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<sup>a</sup> See Report of the Industrial Commission, Volume IV, page 86.

would be prohibited by law in some States. Many of the representatives of the railway companies assert that no legislation on this subject is wise, and the matter may be safely left to be regulated by the interests of the companies, which they state to be opposed to unnecessary Sunday labor. On the other hand, the economic motive, at least in its narrower construction, seems to many employers to justify the operation of the road 7 days in the week if the business can be obtained. This has reference, of course, to the mechanical part of the railroad's equipment rather than to its labor force. Mr. William Bender Wilson, superintendent of the Mantua Transfer of the Pennsylvania Railroad Company, and author of the History of the Pennsylvania Railroad Company, who has had under his direction a large force of men engaged in the handling of freight, has measured in tons the amount of freight handled on successive days after the seventh day of continued service. He took specified groups of men and calculated the number of tons per man handled on the eighth, ninth, and tenth days, respectively, after the seventh, eighth, and ninth days, respectively, of continuous service and compared these with the amount handled by the same groups of men on successive days after 6 days of continuous service and 1 day of rest. He was led to the conclusion that "whenever labor has been employed on Sunday after 6 days previous employment, its productive value on the following Monday decreased not less than 10 per cent, and as day was added to day the reduction of capacity continued to increase." He has also said that the results of his observation indicated that the shrinkage in productive capacity affected both quantity and quality of work done.

#### COMPENSATION FOR OVERTIME.

In discussing the question of wages and working hours we have already seen that the controversy over the matter of working overtime resolves itself frequently into a question of wages or pay for overtime. Most railroads allow pay for overtime to certain classes of employees, either at regular or at higher rates. At the same time other classes of employees are not allowed pay for it, although frequently called upon to work overtime. Where the pay is on the piecework basis the question of overtime rarely enters, although here also there is sometimes a dispute, because the nature of the business requires frequent excessively long periods of work. Railway employees as a class feel the strain of overtime demands more than those in most departments of industry. The views of the men as represented in their labor organizations (*a*) and in the individual replies which employees of all classes made to the Industrial Commission may be

*a* See also in this connection the testimony of Mr. H. R. Fuller, legislative representative of the leading brotherhoods, Report of the Industrial Commission, Volume IX, page 8 et seq.

summed up as follows: Overtime, resulting in excessively long hours, should be prevented, if possible, by requiring the roads to employ sufficient men to meet the demands of busy seasons, and all other demands except those arising from accidents and unforeseen emergencies. All overtime should be paid for at the regular rates, if occurring during the daytime or ordinary working day, and at time-and-one-half rates if at night or on Sunday. Many of the roads do this at the present time; others do not. The existing practice may be gathered from the following statements: The Atchison, Topeka and Santa Fé system, employing 31,000 men, pays for overtime in certain branches of its service, chiefly the operating department, at the regular rates as a rule. The Boston and Maine Railroad, employing over 22,000 men, does not allow overtime in the car department except in cases of wrecks, when the men are paid 25 per cent extra. It does allow overtime in the transportation and motive-power departments at regular rates. Overtime at the regular rates for all employees outside of the general office force is allowed on the Burlington, Cedar Rapids and Northern Railway, the Chesapeake and Ohio Railway, the Cleveland, Cincinnati, Chicago and St. Louis Railway, the Delaware, Lackawanna and Western Railroad, the Lake Shore and Michigan Southern Railway, the Michigan Central Railroad, the Minneapolis, St. Paul and Sault Ste. Marie Railway, the New York Central and Hudson River Railroad, the Southern Railway Company, the Pennsylvania Railroad, the Denver and Rio Grande Railroad, the Colorado and Southern Railway, the New York, New Haven and Hartford Railroad Company, and the International and Great Northern Railroad. The last-named road allows pay for extra time at regular rates, except to agents, whose pay is adjusted so as to cover extra time. A number of the roads make no allowance for extra time for operators, station men, and section foremen. This is true of the Plant System, the Rio Grande Western Railway, the Kansas City, Fort Scott and Memphis Railroad, the Delaware and Hudson Company, the Chicago Great Western Railway, the Chicago and Eastern Illinois Railroad Company, and doubtless this rule holds true of many other roads where the question was not answered specifically.

The Illinois Central Railroad Company is a notable exception, in that it pays nearly all classes of men for extra time, usually at the regular rates, except the men in shops, who are paid one and one-half time for all extra time worked between the hours of 6 p. m. and 7 a. m. and on Sundays; all regular section men are paid extra time for all labor performed over 10 hours per day, at the rate of one and one-half time, and at the same rates for Sunday labor. It is quite customary to pay shopmen at the higher rate of one and one-half time for extra work. In the transportation department this is rarely the practice. The

practice of the Missouri Pacific Railway Company, which employs over 21,000 men, is also somewhat exceptional, in that it allows extra pay for overtime in excess of 10 hours per day to operators, trainmen, yardmen, and all additional employees except a few who work 11 and 12 hours per day. Office labor is on the basis of an eight-hour day, and overtime is exceptional, although when required is not paid for. Many roads have a schedule prescribing a different rate of pay for overtime for different classes of employees. Thus the Rio Grande Western Railway pays station men, other than station agents, 10 per cent of the day rate per hour; engineers, 30, 39, and 40 cents per hour; firemen, 25 and  $26\frac{1}{2}$  cents per hour; conductors, 35 cents per hour; other trainmen, 25 cents per hour; machinists, carpenters, and other shopmen, 15 per cent of the day rate per hour; trackmen, other than section foremen and miscellaneous employees, 10 per cent of the day rate per hour; and switchmen and flagmen, 25 and 29 cents per hour. The New York Central and Hudson River Railroad Company allows shop employees overtime after 10 hours, and pays them at one and one-half rate. The Southern Pacific Company has a provision for trainmen by which, when delayed over 2 hours, they are paid for overtime, and in computing delayed time for delays exceeding 2 hours, the first 2 hours are included. The rate for conductors is 30 cents per hour, and for brakemen 20 cents per hour. Yardmen, who do not work by the hour, are paid for overtime at regular rates, but yard and train men perform Sunday labor without extra compensation. In the maintenance-of-way department all employees work 10 hours per day, and are paid for overtime at regular rates, except when it occurs at night or on Sundays, when they are allowed time and one-half. The Lehigh Valley Railroad pays trainmen for extra time after 12 hours at the rate of one-tenth of a day for each additional hour; yardmen at the same rate after 11 hours; and shopmen at proportionate rates after 10 hours.

The most frequent complaint made by section foremen, track foremen, telegraphers, and representatives of division organizations concerns the hardship of being required to work frequently overtime without extra pay. Well-informed representatives of the trackmen argue for legislative restriction of the hours of labor, and more general enforcement of rules providing for extra pay for overtime, in the interests of the public, on the ground that the responsibility of trackmen in looking after the condition of the track, especially after heavy storms, is very great; as, indeed, it is also for telegraph operators, and that the long hours are a frequent cause of accident, for which men, fatigued by excessive demands upon their strength, can not well be held responsible.

The very nature of railroad work accustoms the men to irregular hours and to sudden calls for emergency work, and makes the custom

of pay for overtime a less binding one than in most departments of industry. It is also less usual in railway work to compensate for overtime at higher rates, while in most other branches of industry, where overtime usually occurs as night work or Sunday work, it is generally paid for at higher rates than the ordinary day wage.

## RAILWAY LABOR AS A LIFE WORK.

### THE PERMANENCY OF OCCUPATION.

Railway employment is very generally looked upon as a life work. As a rule it is open only to young men, who begin in the lower ranks and work their way up. They enter the service with the intention of remaining in it, and the larger and better managed corporations pride themselves in holding their men. One railway corporation, which employs an army of over 100,000 men, has developed a high degree of *esprit de corps* and as much pride on the part of the men in their uniforms or other symbols of their connection with the company as is customary in the Army and Navy. Many other companies make great efforts in this direction. The question of permanency, however, is very largely an economic one, and depends upon two sets of conditions—the causes and methods of discharge, and the conditions of promotion.

### CAUSES AND METHODS OF DISCHARGE.

A great change has taken place in recent years in the rules governing discharge in force on the leading railroads. The causes for instant dismissal have been largely reduced in number. Boards of inquiry, to which appeal may be taken in cases of discharge, are very common, and in some cases appeal can be taken by the lowest grade of laborers to the highest officers in the company. Of course the conditions governing discharge vary greatly, as a rule, for the different classes of employees. Trackmen and day laborers are usually at the mercy of their section foremen and subject to instant dismissal without appeal. Great hardship sometimes arises here, as in other occupations, by reason of the ill-considered actions of bad-tempered bosses; but such labor is, of course, more mobile than grades of labor demanding higher skill and greater specialization. The Brown system of discipline, which will be discussed further on in this article, has done much to mitigate the hardships arising from sudden or ill-considered discharges for the higher ranks of employees, especially those in the train service. On many roads, however, certain causes, such as flagrant violation of rules, intoxication, insubordination, dishonesty, and gross carelessness or negligence, bring about instant dismissal without appeal. As the most trusted employee may at some time make disastrous blunders, some roads, even in such cases as those just enumerated, take into consideration his past record, the intention being to protect the company's

interests and at the same time to encourage desirable employees. One road, employing 8,000 men, has a board of inquiry consisting of not less than 3 officers, appointed to investigate all cases of violation of rules, misconduct, and negligence; the punishment for minor offenses not being suspension for 10 to 25 days, as frequently occurs on other roads, but a reprimand which is entered on record and contributes to what may subsequently be denoted "accumulated bad record." Aggravated offenses are punished by this board by suspension for 30 days or more, and for unpardonable offenses, such as incompetence, intoxication, gross neglect, and "accumulated bad record," the punishment is dismissal.

Another road, employing about 4,000 men, requires all superintendents and division officers, shop foremen, etc., to keep personal records of all the men under their direction, and everything which tends to indicate that a man is incompetent is entered on these records—forgetfulness, obstinateness, carelessness, laziness, or if a man is noted by his superior officer as unlucky, not economical, uncontrollable—for all these things the same record is made; also for disagreeable demeanor, quarrelsome and meddlesome disposition, personal uncleanliness, proneness to gossip or to stir up dissension, unclean language, intemperance, or other viciousness. The worst cases are investigated. When a man's record becomes worse than the general average he may be dismissed from the service. Another road states that "such acts as disloyalty, intemperance, dishonesty, or gross carelessness, or serious offenses of like nature, will be considered as sufficient cause for dismissal. A charge will be made on the record book of every case of neglect of duty, violation of the rules or regulations, accidents not meriting dismissal, improper conduct, etc. Instead of suspension (except for investigation) the employee will be allowed to continue at work. Credits as well as demerits will be given on an employee's record. Dismissal is determined by a man's record and occurs when this demonstrates his unfitness for the service." One Western road employing over 5,000 men has a rule which is typical of many other roads, by which an employee is not dismissed for violation of rules without a thorough investigation, at which he is allowed to be present, and at which he also may be represented by other employees of the same rank.

The vital points in the question of discharge are the seriousness of the offense from the point of view of the service, the past record of the man, and his promise of future usefulness. Formerly nothing but the first point was taken into consideration. Recently the introduction of the Brown system of discipline, or something similar to it, on many roads has given the second point very great prominence. The third point mentioned is gradually finding its way into active operation.

## CONDITIONS OF PROMOTION.

Most of the railroads apply very strict civil-service rules to questions of promotion. The previous record of the employee, the results of various examination tests, both at the time of his admission to the service and at recurring periodic intervals since that date, constitute his record, on which a claim for promotion must rest. Very little sentiment or bad politics has any chance in railroad work. Some of the most successful railroad companies, such as the Pennsylvania system, pride themselves upon the fact that their highest officers have almost invariably come up from the lowest ranks.

Another point which may be regarded almost as a peculiarity of railroad service is that promotions are usually made within the service, and transfers from one road to another are the exception rather than the rule. Seniority of service plays a considerable part in governing ordinary promotions where many candidates are available. Some roads directly encourage all the higher officials to see that men are in training constantly for higher positions, thus maintaining a sort of system of understudies for all the more important positions. One road prints this rule:

In case of a vacancy, either by death, resignation, dismissal, or promotion, or in case of a new position being created or additional force being required in any position above the lowest rate of pay, the most capable man in any lower position should be promoted to fill the vacancy, no matter in what branch of the service he may be. In order to have material worthy of promotion in every branch of the service, it will be necessary for heads of offices, departments, and divisions to select only the best applicants for such positions as students, apprentices, office boys, clerks, operators, switchmen, brakemen, firemen, section foremen, etc., being the classes from which promotions are most commonly made, and make it a rule not to employ new men for any position that can be as well filled by promoting a man already in the company's employ. Promotions from one branch of the service to another are desirable, and every employee should be encouraged to acquire a general knowledge of the business, especially of that branch toward which he has a natural inclination. To this end heads of offices, departments, and divisions will notify the general superintendent, the general traffic manager, or general manager of employees who are especially worthy of promotion to other departments. Care should be taken not to mistake a man's unfitness for present work to be proof of a qualification for a better position in some other departments, but rather the reverse.

Another road reports that promotion follows faithful and satisfactory work; promotion by seniority in the same line of service being the rule, provided the person next in line has shown, with other qualifications, undoubted ability to satisfactorily fill the vacancy. An interesting test of efficiency, as well as a rule for promotion, is now

under consideration on the Illinois Central Railroad, employing nearly 32,000 men. The rule is as follows:

All employees will be regarded as in the line of promotion, advancement depending upon their loyalty to the company's interests, faithful discharge of duty, and capacity for increased responsibility. Examinations for promotion will be held from time to time as may be required. Examinations for promotion in train service will include physical condition, rules of the transportation department, air-brake practice, and such special examinations as the regulations of other departments may require. For promotion to position of conductor the applicant must have had 2 years' experience in train service, of which the last year shall have been in freight-train service. Employees desiring promotion to conductors must make application in their own handwriting to the train master for examination, in which they must state their age, experience, and general qualifications for the position. Applicants for the position of engineman must, in addition to the requirements of the machinery department, pass examination as to their physical condition and the rules of the transportation department. Applicants will be examined in the order of their seniority, merit and ability being equal. Those who pass will rank in the service from the date of their examination, on rules of the transportation department. Applicants who fail on the first examination must, within one year, make written application for reexamination. Those who fail on the second examination will be dropped from the service. Flagmen, brakemen, or firemen who do not apply for examination within 5 years may be dropped from the service.

All the roads try to encourage the idea among their employees that employment is of a fixed and permanent character, and promotion open to all, depending solely upon the faithful performance of duty and fitness and aptitude for larger responsibility. In discussing the question of the qualifications demanded in the chief grades of service, the replies of the leading railroads have been quoted (pages 1032-1034), and may be referred to in this connection also to show the usual channels by which men pass from the lower grades of the service to the higher. Thus passenger-train men are usually promoted from freight-train men, engineers from firemen, and so on along the line. In many grades no new men are employed, the companies relying solely upon promotions from other grades in order to get men with a varied experience, also in order to keep open avenues of advancement for faithful employees.

#### SYSTEMS OF DISCIPLINE.

Railroad service is exacting, and demands men trained to alertness, prompt in obedience to orders, steady and reliable in habits. Without these qualities in the personnel of its labor force no transportation company can do a successful business. To secure these qualities in small bodies of men is difficult enough, but on the large railroad systems, employing thousands of men, to secure them requires a high degree of efficiency in organization, good traditions, capable

leaders. The analogy of railroad service in its employment features and the organization of an army is not a forced one. With the consolidation of railroad interests questions concerning the maintenance of discipline have become increasingly important. Older methods have given way to better-thought-out plans and to the results of careful experiment.

Discipline is administered on a modern railroad usually in three forms: First, instant dismissal; second, suspension from work and pay for a period of from 10 to 60 days; third, reprimand and record of deficiency. Not many years ago the third form of discipline was little known; to-day it has almost superseded the other two. Discipline is administered most frequently by the officer or boss who immediately supervises the work of the disciplined employee. Thus the section foreman, the yard master, the roundhouse superintendent, the division superintendent, the train dispatcher, the station master represent in general the class of men with whom the decision in the first instance lies. Formerly such decision was generally considered final, and subject to no revision or appeal to higher authority. Now, in almost every case, such decision is reviewed by at least one officer in higher authority, and in many cases may be carried on appeal still further, sometimes to boards of inquiry made up in part by employees of the same rank as the person under indictment, and frequently with the privilege not only of personal explanation, but of being personally represented by another employee of the same grade. The chief exception to the change just noted is in the case of section foremen, who, on many roads and in several sections of the country, still have the final decision in their hands. This is due to the fact that in the first place such decisions affect day laborers and trackmen, who are among the least skilled employees and whose tenure of position is less permanent; and in the second place because such employees are usually recruited in gangs by the section foremen, and enter and leave the employ of the railroad company with their boss or section foreman.

Where the method of administering discipline is chiefly by reprimand and record of offense, or on the basis of a merit and demerit record system, the question of appeal is a less vital one. The reasons for the change in sentiment among the employers of railroad labor, who favor what is known as "discipline by record," or more generally denominated "the Brown system of discipline," because it was worked out originally by Mr. George R. Brown, general superintendent of the Fall Brook Railway, New York, have been ably and tersely stated by Mr. A. D. Stickney, president of the Chicago Great Western Railway, in a paper entitled *A Study of the Principles and Methods of Hiring, Disciplining, and Discharging Railway Employees.* (a) He

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*a* Privately printed. No date.

defends the discipline by record system, not from sentimental reasons nor as a promoter of the interests of the laboring man primarily, but solely from the point of view of the company's interests. Calling attention to the fact that the older method of instant discharge usually meant discharge first and consideration of the facts afterwards, he maintains that no employee should be discharged until it has been clearly demonstrated that he is incompetent. The primary reason for the discharge should be to improve the service, not to punish or reform the man, nor primarily to give an object-lesson to other men, but to improve the service directly by weeding out the incompetent. He says:

The improper use of the discharge has been the vital spark of all the brotherhood organizations. Against the arbitrary use of the discharge they have in many strikes gallantly fought and suffered and caused the companies to suffer.

A proper use of the discharge requires a calm and deliberate consideration of the facts and circumstances before—not after—it is exercised. In the nature of things it can not be properly used in haste or in bad temper, or under pressure of excitement.

The haphazard-quicker-than-lightning-don't-jaw-back-while-I'm-angry-if-you-do-off-comes-your-head discharge is rarely justifiable in fact and is always wrong in method.

I have noticed that the swiftest headsman is the petty foreman, just promoted; his ax seems to be set on a hair trigger all the time. Next in point of swiftness are the foremen of longer experience as foremen and of higher grades, bearing various titles, who are fresh from other roads, or even other divisions of the same road. \* \* \* If they would wait until they became acquainted with the men and the men became acquainted with them and their methods, and each understood the other, they would act more wisely.

Another reason for not using the discharge without great care is that it often weeds out new men who make mistakes at the outset through ignorance of the company's business and particular needs, and this deprives the company of otherwise promising material. Since "to err is human," the policy of discharge for certain offenses—such as having an accident to one's train—which was the common rule on many roads and is still largely used, sometimes cut off a man who had a long record of faithful service and deprived the company of material suitable for promotion. A man's competency can not be measured by a single act, but can be judicially and fairly measured on the basis of a man's record. On this point Mr. Stickney says:

As I understand the present administration of discipline, there are certain infractions of the rules relating to the safety of trains which are regarded, without reference to the character or record of the man, as dischargeable errors for which there can be no excuse or explanations. They are the unpardonable sins.

It therefore follows that as no man is perfect it is altogether probable that every trainman sooner or later will commit the unpardonable and be discharged. Hence it is only a question of time when the most competent men will be discharged.

When such men are discharged they take the places on other lines of men who have also committed the unpardonable, and their places are filled on this line from the ranks of the unpardonables of other lines.

Thus we have exchanged good men whom we know are good men—good character, good habits, careful and capable—for men of whom we know nothing either as to their character, habits, or capabilities.

An administration of discipline which works out such absurd results seems to me inconsistent with common sense, and the rule of discharge which I have proposed would forbid that men of known good character, good habits, carefulness, and capability should be discharged on account of a single error unless, of course, they have suddenly become demented or insane, which is perhaps conceivable. As to such men no single error except drunkenness on duty would be evidence of incompetency. On the other hand, a large number of errors, even if not resulting in serious accidents, may be evidence of incompetency.

The real incompetent is the man who was born tired and "unlucky;" who rarely does anything on time or in a proper manner; who is usually sick on stormy days and physically unable to take a hard run; who, through no fault of his which can be proven, usually breaks his train in two, pulls out and breaks drawbars, corners cars, and gets off the track when switching; who never does anything for which he is to blame, but is just "unlucky." Such errors produce greater loss in the aggregate than the aggregate loss of the serious accidents.

In considering the competency of trainmen, not only the rules relating to safety, but the care of the company's property, economy in use of fuel and supply—in short, everything which affects the interest of the company—should be taken into the account.

The method of suspension from duty and from pay by the immediate employing officer, usually a petty foreman, almost invariably works out mischievously. In the first place, suspension inflicted without investigation and without any scale or measure of degree of culpability is almost always unfair. It is administered in a spirit of anger, and the person so administering it is the sole judge of how to make the punishment fit the crime, so that the highest penalty is sometimes administered for a petty disobedience which resulted in no serious consequences solely because of the temper and momentary condition of the administrator. Here again President Stickney says:

When we consider what it means to an employee, especially if he has a family, to be discharged and thereby compelled to seek a new employer and move his family to a distant home, especially in these days when the employers are few and employees are many, or when we consider what it means to an employee and his family for the husband to be compelled to live in enforced idleness for even thirty or sixty days, without taking into consideration the feelings which are engendered by the outrageous injustice which is too frequently coupled with the administration of discipline, and when we consider further that, under the laws of our country, no court, either the highest or the lowest, that no judge, no matter how learned or how distinguished, has the authority to inflict a penalty of \$10, except upon a written charge and evidence produced in open court, and except, if demanded, with the unanimous consent of a jury of 12 men, it must be admitted that the

autocratic power of administering such discipline and inflicting such enormous penalties is an extraordinary power and imposes grave responsibilities in its execution.

The question of who shall administer discipline is no less important than the form of discipline. If the decision can not be safely left with the officer who is in immediate touch with the employee, then the decision should not be made by him at all. The authority of a foreman is weakened by having a man put back under his direction by superior authority, but if the foreman does not have the power of discharge or suspension how is he to enforce obedience to his commands? The new system of discipline discards the idea of punishment and penalties and maintains that it is no part of foremanship to punish, but solely to plan and intelligently direct work. President Stickney says:

This school holds that there is an indefinable something in the lawful authority which the foreman possesses, combined with superior intelligence, superior dignity of character, and superior self-possession, which every foreman should possess, which commands obedience to intelligent directions.

It is claimed that it is, in fact, this lawful authority, combined with the personal qualifications which have been mentioned, instead of the fear of discharge, which, under present conditions, causes obedience to the foreman's directions, and that the foreman's opinion is erroneous who supposes that his authority would be weakened if he had not the power to discharge.

This claim is supported by many historical facts. There was a time when the locomotive engineer had authority to hire and discharge his fireman, and while this rule was in force perhaps a majority of engineers honestly supposed that if the power was taken away from them their firemen would, to use a familiar expression, "run over them." But no such result has in fact followed the abolition of the authority of the engineer to hire and discharge firemen. On the contrary, the discipline in that branch of the service has been distinctly improved. So, at one time, conductors hired and discharged brakemen. The abolition of this practice has also resulted in an improvement in the discipline. The relation of engineer and fireman is a more manly relationship than engineer and "cub." The abolition of such relationships by the changes which have been noted has had a tendency to make more manly engineers and conductors and more manly firemen and brakemen, and manliness is a tremendous factor of discipline.

With the above discussion of the principles underlying the change that has come about in methods of discipline, let us examine more closely the system itself, which in its main features is in force at the present time on over 57 railroads, embracing about one-third of the entire mileage of the country. This is what is commonly called "the Brown system," and while modified in many of its features to suit the needs of particular roads, its essential points have been found applicable to large systems operating many miles of line and employing many men, as well as to smaller roads where it was first introduced. The basic

idea of the Brown system is the record book in which a page is devoted to the personal record of every employee. The book itself is never shown to any employee, but he may get a copy at any time of his personal record. In describing the use of the record book, Mr. Brown says:

In it I write down a brief statement of every irregularity for which a man is responsible. This record takes the place of the "lay off" and is dreaded fully as much. The man goes to work at once and no one but himself suffers, and he only in reputation at headquarters. When a man commences to make a record in the book we call him in and talk with him. He is reminded that if this gets too long we shall have to consider him a failure for our service, show him his weakness, and give him another chance. But he understands that it will not be entirely for the last offense that he is dismissed; the "suspended sentence" cases are against him. When the page is full of irregular circumstances the judgment is usually written at the bottom in two words, "discharged, incompetent."

A second important feature of the Brown system is the bulletin, which, together with the record book, makes up the substance of the plan for "discipline without suspension." The bulletin is a publicly posted record of every irregularity on the road, placed where men connected with the department of service in which the irregularity occurred may see it. It gives no names, but describes the accident or irregularity, and then comments upon it from the point of view of the office, pointing out how the accident might have been avoided or how injurious it is to the interests of the company. This furnishes a basis for discussion among the men. They frequently know to whom the incident refers, and they know exactly how it is looked upon at headquarters. The main points which it is sought to accomplish by these combined features, the record book and the bulletin, are stated by Mr. Brown as follows:

1. To secure a higher state of efficiency. Strict discipline is essential to successful operation; no continuous service performed by man can be perfect, but a high state of discipline and a careful selection of men will produce a high class of service, and successful operation will be the result.
2. To avoid loss of time and wages of employees, resulting in possible suffering of those dependent upon their earnings, as well as demoralization of employees by enforced idleness.
3. To avoid unnecessary severity in the dismissal of an employee, or requiring him to serve an actual suspension for a single offense that does not injuriously reflect upon his reputation, conduct, capacity, or future usefulness in the service.
4. To remove the false, but too common, impression in the minds of employees who have served actual suspensions that the amount lost to them in wages is a payment to the company for the loss and trouble caused it, and that in the future settlements can be made in the same manner.

5. To avoid frequent service changes by considering each case of an erring employee on its merits, weighing his character, previous record, and future availability, without regard to parallel cases of other employees.

6. To advance the education of employees through the medium of bulletin notes, enabling them to avoid the mistakes made by others.

7. To establish in the service a feeling of security, in the confidence that faithful service will be recognized and rewarded by uninterrupted employment, and the certainty that reward and promotion will not follow indifferent service.

From the educational point of view, and as verified by experience, this plan succeeds in inspiring loyalty, in stimulating self-improvement and self-correction, and in developing honesty of statement and honesty in the relations of employer and employed. An employee who has violated some rule or committed some offense knows that the record against him may be less severe if he is the first to report his conduct, and if he reports it with absolute truthfulness, because those very facts, promptness and truthfulness, will count in his favor. The Long Island Railroad, operating 400 miles of line, reported through its general superintendent, Mr. W. F. Potter, in a letter to Mr. G. W. Creighton, superintendent of the middle division, Pennsylvania Railroad, under date of March 8, 1897, as follows:

In the winter time we have 3,300 employees and in summer 4,000 subject to these rules [referring to the Brown system]. We employ a large number of flagmen, and on the Atlantic division, 10 miles long, we have 116 flagmen or gatemen now in service. These men earn about \$40 a month. When the system was introduced on this line, January 20, it was a question with some of the officers of the company whether these flagmen would be susceptible to the methods proposed. The general impression with them was that they would not be. The custom had been to suspend them from duty from 3 to 15 days, according to the offense. We had one man on the division I mentioned who started out in the morning at 6 o'clock with 8 extra men, dropping off a man at each point where the regular men failed to report for duty. These extra men were used up every morning, and in some cases we did not have men enough to go around. Since the introduction of discipline without suspension we have had but one failure, and that was in the case where a man overslept and was late in reporting. It has become entirely unnecessary to carry out the old plan of dropping men off to take the place of delinquents. The flagmen, while they seem to be willing to accept suspension occasionally, are not willing to run the risk of permanently losing their situations.

The Brown system is capable of considerable extension. On some roads the custom of keeping a record of demerits has grown into the custom of keeping a record also of merit marks, not merely merit marks for great acts of heroism, but for many minor evidences of fidelity and intelligent interest in the work. A still further extension of the idea has been tried in allowing a certain period of clean record

to cancel, on the record book, a certain period of bad record. Thus, for example, on the Louisville and Nashville Railroad on June 1, 1895, the announcement was made of credit allowances, as follows:

1. A suspension of 15 days or less charged against an employee will be considered canceled by a perfect record for 1 year.
2. A suspension for more than 15 and not exceeding 30 days canceled by a perfect record for 2 years.
3. Suspension amounting to more than 30 days, not exceeding 60, canceled by a clear record for 3 years.
4. Suspension in excess of 60 days occurring in a period of 1 year calls for special consideration by the board.
5. A complimentary bulletin will be issued every 12 months stating the employees who have a perfect record for 1 year and giving them a special credit.
6. Acts of heroism and loyalty will call for special mention and consideration by the board.

General Superintendent Potter, of the Long Island Railroad, abolished suspension 2 years ago, and now allows every laborer credit marks, 2 credit marks being entered for each half year of clean record, each of which will, when necessary, offset 2 debit marks of the value of a 10 days' suspension. The Southern Pacific allows a clean record of 1 year to cancel 30 days' demerits.

The methods by which the various railroads have put in operation the new system of discipline are illustrated in the following typical circulars, as originally sent out by the respective companies:

#### THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.

OFFICE OF GENERAL SUPERINTENDENT AND  
OFFICE OF SUPERINTENDENT OF MACHINERY,  
*Topeka, Kans., July 20, 1897.*

#### TO ALL EMPLOYEES OF OPERATING DEPARTMENT:

1. On August 1, 1897, the system of "discipline by record" for employees will be put into effect, and suspension from duty, with consequent loss of time, will be discontinued. Discipline will be maintained by reprimand, book suspension, or by dismissal from the service. Upon that date all employees will be considered as starting in with a clear record. An individual account will be opened with each employee in a book kept for that purpose in the superintendent's office. A duplicate record will be kept in the office of division master mechanic for all employees in mechanical department.
2. Reprimands will be noted on the records of employees who may receive same. Suspensions, though for a certain number of days, will be nominal. Instead of actual suspension, the employee at fault will be allowed to continue at work. A charge will be made on the record of every case of neglect of duty, violation of the rules or of good practice, accidents, improper conduct, etc., resulting in discipline of an employee, with the penalty imposed, as may be determined by proper officers.

3. Record bulletins will be issued by the superintendent not oftener than fortnightly, and posted at division terminals on a special board. These bulletins will be educational; they will be issued for, and give a brief account of, each case where it is thought advisable to give all employees an understanding of the case and discipline, especially cases where there was any doubt on the part of employees of proper course

to be taken, and state how it could have been avoided, but will omit all reference that would identify the person at fault.

4. Such acts as disloyalty, dishonesty, desertion, intemperance, insubordination, willful neglect, gross carelessness, immorality, violation of rules whereby the company's property is endangered or destroyed, making false reports or statements, or concealing facts concerning matters under investigation, etc., will, as heretofore, subject the offender to summary dismissal.

5. Credits will be given on the record, and may also be bulletined, for notably excellent conduct, deeds of heroism and loyalty, good judgment in emergencies, etc. These special credits will be given full consideration in connection with any charges entered.

6. No reprimand or suspension will be noted against an employee's individual record without notice to the person affected, and an opportunity given for investigation and defense. Each employee's record will be open for inspection during business hours at the superintendent's office, or office of division master mechanic, by the employee himself, but not by others, except by division and general officers. If not practicable for an employee to go to the office, a transcript of his record will be sent him upon application.

7. No suspension will be made for less than 10 or more than 60 days.

8. Reprimands and suspensions charged against an employee's record may be canceled as follows:

(a) A reprimand will be canceled by a perfect record for 3 months.

(b) A suspension of 10 days will be canceled by a perfect record for 6 months.

(c) A suspension of more than 10 and not exceeding 20 days will be canceled by a perfect record for 9 months.

(d) A suspension of more than 20 and not exceeding 30 days will be canceled by a perfect record for 1 year.

(e) A suspension of more than 30 and not exceeding 60 days will be canceled by a perfect record for one and one-half years.

(f) Inasmuch as the credit system is an experiment, the length of perfect record for which credits are given is subject to change whenever it may be found to bear unjustly on employees affected by it, or on the company.

#### DELAWARE AND HUDSON CANAL COMPANY.

OFFICE OF THE SUPERINTENDENT,  
Albany, N. Y., January 12, 1898.

#### ALL EMPLOYEES:

Some time ago this company adopted the system of "discipline by record" for permanent employees, and deem it proper that the same shall be promulgated and more fully explained. While the past record of employees can not be entirely ignored, discipline will be maintained by charges against an employee's record or by dismissal from the service. An individual account has been opened with each employee in a book kept specially for that purpose in the superintendent's office.

1. Such acts as disloyalty, intemperance, dishonesty, gross carelessness, or serious offenses of like nature will be considered a sufficient cause for dismissal.

2. A charge will be made on the record book for every case of neglect of duty, violations of the rules or regulations, accidents not meriting dismissal, improper conduct, etc. Instead of suspension (except for investigation) the employee will be allowed to continue at work.

3. No charges will be recorded against an employee without a thorough investigation and notice given to the person affected. This record will be a private one, and employees will not be shown any record therein except their own. A transcript of an employee's record will be given him on application.

4. When the record against an employee becomes such as to demonstrate his unfitness for the service, he will be dismissed.

5. Special credit will be given on an employee's record, and may also be bulletined for notably excellent conduct, good judgment in emergencies, etc.

6. Record bulletins will be issued by the superintendent from time to time, as may be necessary in the interest of discipline, on bulletin boards provided for that purpose. These bulletins will contain facts and conclusions and only such comment as is applicable. Names will not be mentioned in these bulletins, the chief object being educational.

7. Employees amenable to the rules of other companies will be subject to such company's form of discipline, and such record will be made against our employees as the offense may warrant.

8. Cooperation on the part of employees in this matter will be of great assistance in producing good results, and to this end correct accounts of mishaps occurring on the road should be furnished by the parties interested. We shall thus secure a higher state of efficiency by judging each case on its merits; enable the employee to gain in self-respect, in loyalty, watchfulness, and zeal for the employer's interest, and establish discipline in which the element of force is not predominant; become acquainted with such cases as may be bulletined, and learn from them the lesson that is taught by the failure of others; avoid loss of time and earnings; develop a feeling of confidence and security which will benefit and encourage the good men, while those who are habitually careless and indifferent will be dropped from the service.

### ILLINOIS CENTRAL RAILROAD COMPANY.

#### OFFICE OF THE GENERAL SUPERINTENDENT.

CIRCULAR NO. 164.

*Chicago, February 25, 1898.*

To OFFICERS OF THE TRANSPORTATION DEPARTMENT, SOUTHERN LINES:

1. The system of "discipline by record" will be extended to the Mississippi, Louisiana, Memphis, and Louisville divisions on March 1, 1898.

2. Circulars addressed to employees of the transportation department, explaining the system, will be issued, (a) and are to be distributed by mailing each employee concerned a copy; also posting a copy on each bulletin board.

3. The present method of investigation and consideration by board of inquiry of offenses of employees will be continued, as will the exercise of discipline by the superintendent direct or by the general officers of the company.

4. Offenses punishable by reprimand or suspension are those most affected by this system. The actual suspension of employees, with loss of time, is absolutely discontinued beyond the loss of time necessary to a proper investigation, and in the place of the actual suspensions the reprimands and suspensions will be noted in a book provided for the purpose in the office of each superintendent.

5. The board of inquiry will also consider acts of especially meritorious conduct, such as the exercise of exceptional good judgment in emergency, loyalty, and devotion to service, personal heroism, etc., directing that they be made a matter of record, and such record will be given full consideration in determining the standing of employees and in the matter of promotion.

6. No reprimands or suspensions will be noted against an employee's record without written notice to him.

7. Any employee will be permitted to examine his own record at the superintendent's office during business hours, but will not be allowed to examine the record of another. The record will be open for general examination by division and general officers of the company and such persons as they may designate. A transcript of his record will be furnished to any employee upon application.

8. A perfect record is one against which no unfavorable entries have been made. A clear record is one on which unfavorable entries have been extinguished.

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<sup>a</sup> For text of this circular see Report of the Industrial Commission, Volume XVII, page 803.

9. No suspension is to be made for less than 5 nor more than 60 days, and in imposing reprimands or suspensions upon employees, due consideration should be given to the length of satisfactory service required to extinguish the charge upon record, a scale of which is given below:

- (a) A reprimand will be extinguished by a clear record of 3 months.
- (b) Five days of suspension will be extinguished by a clear record of 6 months.
- (c) Ten days of suspension will be extinguished by a clear record of 9 months.
- (d) Thirty days of suspension will be extinguished by a clear record of 1 year.
- (e) Sixty days of suspension will be extinguished by a clear record of 18 months.

10. An accumulation of entries upon the record of an employee, showing frequent reprimands or suspensions, will justify special consideration by board of inquiry. No fixed rule can at this time be established to determine a record of unsatisfactory service warranting dismissal. Ordinarily suspensions aggregating 90 days in any one year without mitigating circumstances, the record showing negligent tendencies, incompetency, repetition of the same offense, etc., even if any single act did not merit dismissal, may be considered as unsatisfactory service, and action taken to that end if in the judgment of the board of inquiry it should be done. The length of service, general character, and disposition of the employee, together with his meritorious acts, should always be carefully weighed and the man given the full benefit of the same.

11. Disloyalty, dishonesty, desertion, intemperance, immorality, insubordination, incompetency, willful neglect, gross carelessness, inexcusable violation of general rules resulting in endangering or destroying company property, making false reports or statements, or concealing facts concerning matters under investigation, will, as heretofore, subject the offender to dismissal from the service.

12. Bulletins should be issued by superintendents from time to time, not oftener than once each week, and displayed on bulletin boards at district and division terminals. These bulletins are intended to be educational; they will be prepared in the superintendent's office, numbered consecutively, give a brief and concise statement of each case of deviation from the rules, or from good practice, etc., which has resulted in discipline, omitting the names of persons at fault; the occurrence should be stated, its cause, the trouble or expense resulting, how it could have been avoided, and the penalty inflicted. To this superintendents may add such comments as in their judgment may further lead employees to profit by the errors of others in the avoidance of similar trouble to themselves. It will not be necessary to issue bulletins to cover cases of dismissals for intemperate habits, or the personal conduct of employees that does not affect the safety or efficiency of the train or station service. Bulletins may be issued recounting meritorious acts when, in the judgment of the board of inquiry, the service will be improved thereby.

Requisition should be made upon the stationer for a supply of the books and stationery required.

13. A copy of each bulletin should be sent to the second vice-president, general superintendent, and assistant general superintendent, upon which should be noted the name of the employee disciplined, date, train, and place of the occurrence.

The Brown system of discipline has not been entirely free from criticism on the part of the employees, and has not yet succeeded in convincing all railroad managers of its utility from the point of view of the employer. It may be said, however, that there is little evidence at the present time of dissatisfaction concerning the enforcement of discipline on roads where this is used. Criticisms which have appeared in print (a) for the most part either misinterpret the educational prin-

<sup>a</sup>See article by S. W. Flessner, Railway Age, March 5, 1897; and also the editorial answer in same issue.

ciples on which it rests or deal entirely with minor points concerning its application. With the system as a whole railroad men, both employers and employed, are more in sympathy in larger numbers than on most questions relating to their business. It marks a step forward in the solution of a difficult problem; not the final step, but one of no inconsiderable length.

#### THE QUESTION OF BLACKLISTING.

A great deal of testimony before the Industrial Commission, both from railroad officials and more especially from the representatives of railroad labor, showed that blacklisting was formerly made use of by some American railroads as a means of weeding out discontented men, labor agitators, and checking the growth of labor organizations. Since the enactment by Congress of the general arbitration act of June 1, 1898, (a) making blacklisting illegal on the part of employers of railroad labor engaged in interstate commerce, railroad officials deny entirely the existence of any such thing as blacklisting. Employees admit that this legislation has been effective in preventing a recurrence of the worst abuses of blacklisting as it formerly existed, but maintain that the secret practice is still continued by some roads.

Blacklisting means the keeping of a list of discharged employees, and the sending of such list to other employers of the same class of labor for the purpose of preventing discharged employees from obtaining employment elsewhere. If it can be shown that the purpose of such list and the use made of it amount to a conspiracy to injure a discharged employee, he would have a remedy at common law even in States where statutes on the subject exist. In Illinois, for example, attorneys who have tried some of the cases growing out of the great railway strike at Chicago have indicated their preference for common law action by proceeding in this way rather than by appeal for remedy under the existing statute. The common law remedy, however, has been subjected to the most varied judicial interpretation, and is clouded with considerable uncertainty, in view of which 17 States and 1 Territory have passed statutes forbidding blacklisting, usually defining it as an exchange of a list of employees against whom an employer has a complaint with other employers for the purpose of preventing them from employing such men. These States are: Alabama, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nevada, North Dakota, Utah, Virginia, Wisconsin, Washington, and the Territory of Oklahoma. Of these only North Dakota and Utah have, in addition to statutory enactments, constitutional provisions prohibiting the exchange of blacklists. Iowa, Indiana.

<sup>a</sup>See chapter 370 of the acts of 1897-98, sections 1 and 10. The text of these sections will also be found quoted by Mr. S. D. Fessenden in the article entitled Protection of Workmen in Their Employment, Bulletin of the Department of Labor, No. 26, January, 1900, page 17.

Wisconsin, Alabama, Virginia, Montana, and Georgia laws make the willful prevention of discharged employees from obtaining new situations a penal offense. The laws of Florida and Georgia apply only to corporations, those of Virginia applying to any corporation, manufacturer, or manufacturing company, and those of the other States mentioned applying to all classes of employers, are broad in their scope. Illinois and Minnesota declare specifically that it is a conspiracy or combination of two or more persons to use the blacklist which is unlawful.

Three States, Indiana, Montana, and Georgia, following a practice which has worked satisfactorily in Germany, have attempted to restrict the possibility of blacklisting by a statute requiring an employer to furnish an employee with a written statement of the cause of his discharge. The Georgia statute, however, was declared unconstitutional by the supreme court of that State in a decision rendered in June, 1894. (a) The grounds of this decision were that no public interest was protected or promoted by a correspondence between discharged employees and their late employers, and that a statute requiring this was violative of the general private right of silence, a liberty guaranteed by the Constitution correlative to that of liberty of speech and writing.

The difficulty which it is sought to remedy by legislation is one not easily reached at all by law. The nature of railroad service makes it especially incumbent upon employers to protect the public by rigid inquiry into the qualifications of an applicant for a responsible position. As has already been seen, in discussing the qualifications for admission to the service, these tests are not only rigid in their application to technical skill, but must also cover questions relating to personal character and habits. This necessitates an inquiry into a man's previous record, and all application blanks for employment require a statement on this point, giving the names of previous employers, and the length and nature of such employment. From this statement alone it would be quite possible for railroad companies, and indeed it is quite usual for them, to carry on a correspondence with an applicant's previous employer or employers, in the course of which such facts as having quit work during a strike, or having been a member of a labor organization would be elicited. If any road saw fit not to employ men who had ever been engaged in a strike or who had been members of labor organizations, qualifications which they would have a right to make, such information would be fatal. This information could be obtained, even if correspondence between employers was forbidden by law, often through reference merely to the date of leaving

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<sup>a</sup>See *Wallace v. The Georgia, Carolina and Northern Railway Company*, South-eastern Reporter, Volume 22, page 579, and Bulletin of the Department of Labor, No. 2, January, 1896, page 203.

former employment. Legislation that has in view a general prohibition of the right of a road to scrutinize and to finally pass upon the qualifications of applicants for employment would constitute a radical departure in the underlying principles of law which now govern and protect private business, and yet scarcely anything short of this would meet the difficulties incident to blacklisting. Specific acts of corporations which would restrict somewhat their freedom in dealing with applicants for employment could be prohibited by legislation, but such legislation could be easily avoided if the disposition to do so existed. Thus, for example, it would be possible to provide that no one should be refused employment because of participation in a strike or because of membership in a labor organization, but where this was ascertained it would be very easy for an employing officer to find and to state some other reason for not selecting a particular candidate, and it would be always difficult for one seeking redress under such legislation to prove the real reason of his nonacceptance.

The progress already made in the adoption of a system of discipline by record makes it also easier for one road to give another an accurate and fair account of a man's service should he be seeking a position with another road. Such practice is in the interest of the public and in the interest of the men and is so recognized by the representatives of railroad employees. Many of them feel that the so-called "clearance card," about which a great deal is said in the famous blacklisting cases, is a benefit to the service by weeding out incompetent men. The chief difficulty in blacklisting cases has grown out of the bitter feeling aroused between railroad employers and employees in connection with the great Chicago strike in 1894. The bad feeling engendered in this contest has had serious consequences for both sides. Mr. William J. Strong, a lawyer in Chicago, who has been the attorney for most of the blacklisting cases, has discussed, in an article in the *Arena* for March, 1899, and in his testimony before the Industrial Commission, (a) the merits of the strongest cases of alleged blacklisting. He presents a statement of facts and opinions representing that of the most radical railroad employees and in some form entertained in part by the rank and file of railway labor.

A review of some of the leading cases which have been tried by our courts will present the present status of blacklisting in a still clearer light. Probably the first case in which damages were awarded and actually paid by the railroad company is that of *Willett v. The Jacksonville, St. Johns and Indian River Railroad Company.* (b)

The case was a peculiar one, in which after the man had actually been engaged by another road his former employer wrote warning

*a* See Report of the Industrial Commission, Volume IV, Transportation, pages 503-525.

*b* See Bulletin of the Department of Labor, No. 4, May, 1896, page 437.

the road against him, stating that he had left his former employ with certain charges pending against him, the only charge apparently being that he declined to continue in their service after having given them ample warning of his intention to quit.

The famous Ketcham case, which grew out of the Chicago strike, and in which a verdict of \$21,666 against the Chicago and Northwestern Railway Company was given, is reviewed at considerable length by Mr. Strong. The actual loss proven amounted to only \$1,850 and the balance was therefore exemplary damages or smart money. The jury was composed, with one exception, of employers, and not one juror was a member of a labor union. The foreman was an ex-banker. The trial lasted nearly 3 weeks. Ketcham had been in the employ of the Chicago and Northwestern Railway Company for about 10 years and left its service during the American Railway Union strike of 1894. It was claimed that all the railroads entering Chicago had agreed and conspired to keep each other informed of the names of all their employees who belonged to the American Railway Union or who quit work during the American Railway Union strike of 1894, and that these roads had also agreed not to employ such men without first having a release or consent, known as a "clearance," from the road by which an applicant was last employed before the strike. The constitution of the General Managers' Association and other important documents, including letters, are reproduced in the testimony by Mr. Strong before the Industrial Commission. A new trial was granted, and the judge in granting the application indicated the opinion of the court that the jury had been governed largely by its feelings and stated "that the verdict was one that would not stand for a moment in a higher court." This case, along with a number of others, has since been passed in the court's docket pending the decision in the McDonald case, which was carried to the supreme court. That decision was rendered October 19, 1900.(a)

The case is *McDonald v. Illinois Central Railroad Company*. McDonald was a switchman and conductor who had been in the employ of the company for 5 years and who quit service about June 26, 1894, being one of a number of striking employees. He brought suit on the claim that the railroad companies having lines running into Chicago had entered into a conspiracy, agreement, and understanding that employees who had been members of the American Railway Union would not be employed by any of the said companies without a release and consent from the railroad company by which any such employee was employed; such release and consent being commonly called by railroad men a "clearance." Chief Justice Boggs in the decision of the court affirmed the judgment of the circuit court that

<sup>a</sup>See Bulletin of the Department of Labor, No. 34, May, 1901, page 530.

the declaration did not contain a cause of action. The section of the declaration was:

Said defendant railroad companies entered into a conspiracy, agreement, and understanding that they, the said railroad companies, would furnish each to the other information as to all their employees who had committed offenses, or who were charged with having committed offenses, and also as to all their employees who had left their service during the strike which commenced on or about June 26, 1894, and ended on or about August 6, 1894, commonly known as the "A. R. U." or "American Railway Union" strike, and as to all their employees who were members of the A. R. U. or American Railway Union, and that such employees of any and all said companies would not be employed by any of said companies without a release and consent from the railway company by which any such employee was last employed, such release and consent being commonly called by railroad men a "clearance."

Construing the averment in the way most unfavorable to the pleader, the court decided that the true meaning of the instrument denominated a "release and consent" was the ordinary clearance card in common use among railroad corporations, and that the declaration did not charge the defendant company with a refusal to grant a clearance card setting forth truthfully all the facts proper to be stated in a clearance card, but did say that the company refused to give him such an instrument as would enable him to obtain employment in the railroad business. The company was not required to give him a clearance that would enable him to get employment from other companies. Chief Justice Boggs also quoted the opinion of the court in the Jenkins case (174 Illinois, 398), in which Justice Philips rendered decision October 24, 1898, affirming the right of a railroad company to refuse to give a clearance card. (a)

The decision of the court on the subject of a clearance card is very definitely stated in the Jenkins case in the following language:

From the evidence produced on this question, and from this judicial notice which we take of the ordinary general management of railroads, it is apparent that what is known as a clearance card is simply a letter, be it good, bad, or indifferent, given to an employee at the time of his discharge or end of service, showing the cause of such discharge or voluntary quittance, the length of time of service, his capacity, and such other facts as would give to those concerned information of his former employment. Such a card is in no sense a letter of recommendation, and in many cases might, and probably would, be of a form and character which the holder would hesitate and decline to present to any person to whom he was making application for employment. A letter of recommendation, on the contrary, is, as the term implies, a letter commending the former services of the holder, and speaking of him in such terms as would tend to bring such services to the favorable notice of those to whom he might apply for employment.

<sup>a</sup> See Bulletin of the Department of Labor, No. 22, May, 1899, page 476.

The decision in the Jenkins case also stated that there was no evidence that the custom or usage of giving a clearance card was so general and so well known as to be implied in the contract of employment. Chief Justice Boggs, in the McDonald case, quotes the Jenkins case with reference to the position of the court on the subject of the clearance card, and concludes his decision with the words: "Whether the charge included in the question formulated by the counsel for the plaintiff in error would constitute a cause of action was not presented to the trial court by the declaration, and we agree with the view entertained by the trial court, that the declaration failed to state a cause of action." Thus in the decision, awaiting which many of the cases in the lower courts were passed, the supreme court of Illinois failed to pass upon the real question at issue—whether blacklisting is legal. A very few months after the decision in the McDonald case Judge Frank Baker, of the circuit court, decided the legality of blacklisting, and his decision has now been carried to the supreme court in a form which will present the real question at issue. The case decided by Judge Baker is known as the Packing House case. It is charged that the packers of Chicago blacklisted the label girls who struck February 9, 1900, on account of a reduction of 30 per cent in their wages. Mr. William J. Strong, the leading attorney in the blacklisting cases, brought suit at once for 8 of the label girls, and the argument in demurrer on 2 of these cases came up in the circuit court before any of the railroad cases were reached, they having been passed awaiting the decision in the McDonald case. The decision of two of the circuit judges in these 2 cases practically held that blacklisting was legal. Judge Baker's decision was in the case of Condon *v.* Libby, McNeil & Libby et al. The language of the court was as follows:

Plaintiff alleges that she is an expert can labeler, able to earn \$15 per week at her trade. That defendants are cannerymen at the Union Stock-Yards and are all the persons engaged in that business at that place. That upon February 5, 1900, defendants maliciously, etc., agreed and conspired together not to employ any employee of any one of them who should go out on a strike or quit on account of a disagreement as to wages, except by consent of the former employer. That for 2 years before February 5, 1900, plaintiff was employed by defendants, Libby, McNeil & Libby, and on that day quit because of disagreement as to wages. That she afterward applied to defendants, Armour & Co., and Fairbank Canning Company, for employment, and was denied such employment because of said agreement and conspiracy. All this, it is alleged, was done maliciously with the intent to injure plaintiff. Defendants demur to the declaration.

The case has been fully and most ably argued, both orally and in writing. I shall not review the numerous authorities cited, nor attempt to do more than state my conclusions and the rules of law upon which they rest.

"When damage is sustained by one person from the wrongful act of another, an action for compensation is given to the injured party

against the wrongdoer." By wrongful act is to be understood not an act wrongful in morals only, but an act wrongful in law. An act is wrongful in law if it infringes upon the right of another, and not otherwise. An act which does not infringe upon any right of a person is not, as to such person, wrongful. One has a right to decline to enter the service of another, and several persons, acting jointly in pursuance of an agreement to that effect, have the right to so decline. So, one has the right to decline to employ another, and several persons, acting jointly in pursuance of an agreement to that effect, have the right to so decline.

The existence of malice, of a malicious intent to injure a person, will not convert an act which does not infringe any right of such person into a wrongful act or a civil wrong. It follows that, in my opinion, the facts and agreements of the defendants set forth in the declaration can not be held to infringe upon any right of the plaintiff, and therefore are not, as to her, in law wrongful. The demurrer is sustained.

It is likely that the railroad cases still pending will again be passed until the decision of the supreme court on this Packing House case is reached.

The attitude of railway employees, as expressed through the representatives of the brotherhood organizations on the subject of the present extent of blacklisting and legislative remedies for it, is brought out in a very complete statement made by Mr. H. R. Fuller, the legislative representative at Washington of 5 of the leading brotherhoods, namely: The Brotherhood of Locomotive Engineers, of Locomotive Firemen, of Railroad Trainmen, and of the orders of Railway Conductors and Railroad Telegraphers. Mr. Fuller said: "The present plan of blacklisting is carried on by private correspondence between the company from which the man seeks employment and his former employers. While this plan is somewhat different from that in use some years ago, I believe it is quite as effective, if not more so." (a) Mr. Fuller exhibited the usual application blanks which an applicant is required to fill out and called attention to those questions which would facilitate inquiries of this sort. He also showed that applicants were generally admitted to the service on probation, giving ample time for such investigation. The special grievance felt by the employee, Mr. Fuller says, is that he is not permitted to see the charges made against him by his former employer, and given no opportunity to combat them, but merely told that his references were not good. Mr. Fuller also submitted in evidence editorial comments from the leading employees' journals and called attention to the resolutions adopted at a large union meeting of the organized railroad employees at San Antonio, Tex., September 9, 1896, at which it was "*Resolved*, That we demand such legislation as will forever prohibit blacklisting." Mr. Fuller's own suggestion was that legislation should be enacted both by Congress and the several

a See Report of the Industrial Commission, Volume IX, page 12.

States forbidding any railroad company from furnishing any record of any employee to any other railroad company, either by private letter, telegram, or by express, or any other way. He also recommended that the postal laws be so amended as to prohibit the use of the mails for carrying on such correspondence.

A bill which represents the radical labor sentiment on this subject was prepared by Mr. William J. Strong, and introduced in the United States Senate May 14, 1900. The bill was referred to the Committee on Education and Labor, and has not yet been reported by that Committee.(a)

*a* The text of this bill, in the somewhat amended form in which it is intended that it shall be presented again at the next session of Congress, is as follows:

A Bill To preserve and guard the safety of the public and to prevent and punish blacklisting by railroad companies, sleeping car companies, express companies, steamboat companies, telegraph and telephone companies engaged in interstate commerce, and to provide a civil remedy in damages for blacklisting.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

SECTION 1. That any combination, agreement, or understanding, tacit or otherwise, between two or more persons or corporations, or between any person or persons with any corporation owning, running, or operating any railroad, steamboat, express, telegraph or telephone lines, or transportation line, engaged in commerce between any of the several States or Territories of the United States, or between this nation and any foreign nation, and any such combination between any persons engaged in the service of any person or corporation so concerned in such commerce to prevent or hinder the employment of any person or persons, or to cause the discharge of any person or persons from employment by any such railroad, telegraph, or other transportation line, by reason of any participation in any strike or labor trouble, or by reason of any membership or participation in any labor organization, or for any other cause except for drunkenness while on duty, dishonesty, or gross carelessness in the performance of any such service, or physical or mental incapacity, as hereinafter set forth, shall be an unlawful conspiracy against the United States, and all persons and all officers and employees of any such corporation who shall be convicted of in any way participating in any such conspiracy shall be punished by imprisonment in the penitentiary for a term of not less than two and more than ten years.

SEC. 2. That it shall be the duty of all persons and corporations engaged in any business described in the first section of this act to give every employee on request a service card showing the length of service and the particular branch of service in which he has been engaged, and such service cards shall in all instances state the length of service, the branch of service in which he has been engaged, and whether the service of any such employee has been "satisfactory" or "unsatisfactory," and nothing else shall be stated on any such service card whatever; and it shall be unlawful and *prima facie* evidence of a conspiracy to blacklist, and of his participation therein, for any person or officer or employee of any corporation to place on any such card the date at which any employee left the service of any such person or corporation, or to place the word "unsatisfactory" on any such card without good cause and before an investigation and hearing, as hereinafter provided, and such word "unsatisfactory" shall not in any instance be placed on any such card by reason of participation in any strike, or because such employee belonged to any labor union or labor organization.

*Provided, however,* That if any such employee has been discharged for unsatisfactory service, drunkenness, dishonesty, gross carelessness, or physical infirmity, it shall be the duty of the person or official giving him a card to state such fact on the service card given to any such employee, and there shall be no liability, civil or criminal, for making such statement if the same is made in good faith and after a reasonable investigation and hearing to ascertain the truth or falsity of any such charge, of which hearing and investigation any such employee so charged shall be given ten days' notice in writing and an opportunity to be heard and to produce evidence and to examine witnesses in his own behalf.

SEC. 3. It shall be unlawful and *prima facie* evidence of a conspiracy to blacklist as herein defined, and of his or its participation therein, for any person or corpora-

There is little probability that even the railroad employees' organizations will agree to indorse so radical a measure. From the testimony of the individual representatives or chief executive officers of the railroad brotherhoods it would seem that the labor leaders feel that existing legislation has reduced the evil of blacklisting to a minimum, and if enforced will do as much as can be hoped for from legislation in this direction. Mr. John T. Wilson, grand chief of the Brotherhood of Railroad Trackmen, said in his testimony before the Industrial Commission: "The system of blacklisting is conducted with so much privacy that I hardly think it possible to enact and enforce

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tion mentioned in the first section of this act to require any applicant for employment to sign any written application, or to answer any question, written or oral, concerning his age, or previous employer, or the cause for leaving any former employer, or the time he left any former employer; and it shall also be unlawful and *prima facie* evidence of conspiracy to blacklist, and of his or its participation therein, for any such person or corporation, or any officer, agent, or employee thereof, to ask, or to give by letter, telephone, telegraph, or otherwise, any information concerning any employee who has been discharged or left any such employment, other than may appear upon the service card of such person herein provided for.

*Provided, however,* That it shall be the duty of all persons employing men in such business to require every applicant for work, except inexperienced men, to show his service card; and all applicants, whether experienced or new men, to show the certificate of a physician hereinafter provided for, when applying for work, to any railroad company mentioned in the first section of this act. And if any employee to whom such service card and physician's certificate have been given has lost such card or certificate, it shall be the duty of the person or officer whose duty it is to give the same to issue and deliver such person, on demand, a duplicate thereof.

SEC. 4. It shall be the duty of every person and corporation engaged in any business described in the first section of this act to keep a record of the names of all employees, the length of service, and the causes, if any, of their discharge or for leaving such service, for the purpose of enabling them to give the service card in this act described; and it shall also be their duty to appoint some officer whose duty it shall be to issue such cards; and it shall also be the duty of every person or official whose duty it is to issue such cards to keep the office of said person or official at all times, from eight a. m. until six p. m. each day (except Sundays and legal holidays), open and free of access, with some person in charge thereof, so that employees may not be hindered or delayed in procuring such service cards; and a failure to comply with any provision or provisions of this act shall make the person whose duty it is to give such cards, and the person or corporation employing him, liable to damages to any employee who has failed to get such card by reason of any neglect or omission of duty herein described, or refusal to give any such card on demand, and the same shall be considered and taken as *prima facie* evidence of an intention to blacklist such employee, and of the participation therein of the person and corporation so failing to do its duty as aforesaid. The records of employees described herein shall at all times be open for the inspection of all employees who may desire to see their own record, but no employee shall be allowed to see the record of any other employee, and none of such records shall be shown to any other person or persons whomsoever, except to the person in charge of the same; except that in any action, either civil or criminal, under this act, such record shall be opened to the inspection of the attorney for the plaintiff or of the United States, regarding the record of any such employee who has instituted an action for damages, or on whose account a criminal prosecution is contemplated or commenced, or on whose account an action has been commenced by any other person entitled to bring such action under any of the provisions of this act, either civil or criminal; and a failure to allow such inspection or to produce such records in court on demand made in writing upon the person having the custody of the same, or upon any president, superintendent, or other general officer of such corporation mentioned in the first section of this act, shall subject such person or officer upon whom such demand in writing has been made to a fine of one thousand (\$1,000) dollars and imprisonment for one year for each and every refusal to allow such inspection or to produce such record in court, upon legal proof being made in open court of such demand and refusal; and

laws to abolish the evil. I do not think that very many railway managers would condescend to blacklist an employee without he had shown himself to be reckless, unreliable, or unworthy of trust." Mr. W. H. Ronemus, grand chief of the Brotherhood of Railway Carmen, in his testimony before the Industrial Commission said: "I believe the causes for blacklisting will gradually disappear altogether, brought about by the general organization of the employees, as the unreliable will not generally be admitted to the organizations, and by the general recognition of organizations the cause for discontent from this source will become less with time. If it becomes necessary to further legislate against the practice, I believe such legislation can be secured;

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in any civil action for damages under this act such refusal shall be prima facie evidence of the existence of a conspiracy to blacklist, and of the participation therein of the person or corporation so refusing to produce such record or allow such inspection.

SEC. 5. It shall be the duty of the Interstate Commerce Commission to appoint as many medical examiners as may be necessary in the opinion of such Commission, who shall be licensed physicians, at each division headquarters of any such railroad mentioned in the first section of this act, whose duty it shall be to test the eyesight and hearing of all applicants for work, as well as the physical and mental condition of all such applicants who may present themselves stating that they desire to apply for work to any corporation or person mentioned in the first section in this act; and upon examination of any such applicant, if he is in the opinion of such examiner fit for the service for which he intends to apply, it shall be the duty of such examiner to give a written certificate to such applicant, concerning his eyesight, hearing, and physical and mental fitness to perform such service, which certificate shall be in the form prescribed by said Interstate Commerce Commission; and if in the opinion of any such medical examiner any such applicant is qualified to engage in such service and it shall be so stated in any such certificate, such certificate shall be prima facie evidence of the fitness of such person for such service; and it shall be unlawful and prima facie evidence of a conspiracy mentioned in the first section of this act, and of his or its participation therein, for any person, corporation, or servant thereof whose duty it is to employ men to deny any such applicant employment when in need of men if any such applicant, at the time of his application, produces such certificate, showing his fitness, and such service card hereinbefore mentioned, showing that his former services have been "satisfactory;" and any physician or medical examiner provided for in this act who shall willfully or maliciously refuse to give a certificate of fitness as herein provided to any such person applying for the same who is in fact entitled to the same shall upon satisfactory proof thereof, made before said Interstate Commerce Commission, be discharged from his position by said Interstate Commerce Commission, and forever barred from holding a similar position under this act, and in addition thereto shall upon proof thereof in any court of competent jurisdiction be deemed and held to be a party to the conspiracy described in the first section of this act, and subject to the penalties therein prescribed.

*Provided,* That nothing in this section shall be construed to prevent any person or corporation engaged in the business mentioned in the first section of this act from selecting between two or more persons who may at the same time present themselves and apply for any position that may be open.

SEC. 6. The medical examiners provided for in the preceding section shall each receive a salary of twenty-five hundred (\$2,500) dollars per annum, which shall be paid quarterly out of the Treasury of the United States, and the salaries of such medical examiners shall be charged up pro rata against all the railroads and other persons or corporations engaged in the business mentioned in the first section of this act, and, having lines running into the division headquarters where any such examiners are located, which salaries shall be refunded and paid by such railroads and other persons and corporations mentioned in the first section of this act to the Treasurer of the United States, once each year upon the pro rata basis aforesaid; and no physician who has ever been in the employ of any railroad or of other of said corporations or persons mentioned in the first section of this act shall be appointed to any position of medical examiner provided for in this act; and no such medical examiner shall, directly or indirectly, accept any other emolument or employment from any corporation or person mentioned in the first section of this act. And a

but under the present circumstances I would not recommend such further legislation." In another statement presented to the Industrial Commission, signed by the chiefs of the 5 brotherhoods or orders represented by Mr. Fuller in the testimony to which reference has been made, the following language with respect to legislation on the subject of blacklisting is used, after a reference to the fact that section 10 of the act of June 1, 1898, makes blacklisting a misdemeanor: "We are of the opinion that existing laws, State and national, are sufficient to prevent any open blacklisting of ex-employees. It will probably be impossible to entirely stop the secret practice unless a penalty sufficiently severe to make fear of the penalty outweigh desire to violate the law can be attached. We favor such a penalty." (a)

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violation of this provision by any such medical examiner shall be a cause for his removal from such position upon satisfactory proof thereof being made to said Interstate Commerce Commission. Such medical examiners shall hold their respective offices for a period of four years unless sooner removed by said Interstate Commerce Commission for cause.

SEC. 7. Any person who has been prevented from securing employment or has been discharged from employment, or who is otherwise injured by any act done or omitted to be done, as provided in this act, may sue in the district or circuit court of the United States in any district where service may be had upon the defendant or one of the defendants, or in any State court of general jurisdiction in any county where legal service may be had upon any defendant under the laws of the State, and he may recover of any person or corporation concerned in such conspiracy all damages which he has sustained thereby, and in all actions for damages under this act, exemplary damages may be assessed in the discretion of the jury trying the case and for the purposes of this act proof of refusal to give such service card described in section 2 of this act, or of any refusal to employ any person having and presenting such service card, and physician's certificate aforesaid, by any of the persons or corporations mentioned in section 1 of this act, shall be *prima facie* evidence of blacklisting and of an intent to injure, for which damages may be recovered under this act.

*Provided, however,* That no damages shall be recovered under this act for discharging any employee or for a refusal to employ any person, when such discharge or refusal to employ was on account of the fact that no men were needed by the person or corporation so discharging or refusing such employment at the time of such discharge or refusal, and upon any trial either civil or criminal under this act, the burden of proving that no men were needed, and that any person discharged from employment or denied employment was discharged or denied employment by reason of the fact that no men were needed at the time of such discharge or refusal, shall in every case be upon the defendant or defendants.

SEC. 8. The denial of employment or discharge of any employee for any cause other than physical or mental unfitness, intoxication, dishonesty, or gross carelessness as described in section 1 of this act, shall be considered, and is by this act defined to be "blacklisting," and in any civil action for damages or criminal prosecution under this act it shall be sufficient to allege in the indictment, complaint, or declaration that the plaintiff was blacklisted by the defendant or defendants, naming them, and giving the month and year when the same was done, and in the proof of any conspiracy under this act it shall be competent to offer in evidence any act or statement of the persons or corporations mentioned in the first section of this act, and of their agents who hire or discharge them, which tends in any way to establish such charge of blacklisting or conspiracy to blacklist and the jury trying any such case shall have the right to infer that such person was blacklisted from circumstantial evidence, and actions for damages under this act shall survive to the personal representatives of any person injured.

*Provided,* That any discharge of employees by reason of slack business and lack of work shall not be considered a violation of this section.

SEC. 9. All laws and parts of laws which are in conflict with this act or any portion thereof are hereby repealed in so far as they may affect any provisions in this act or the rules of procedure, and evidence in all cases prosecuted under this act or any provision thereof.

<sup>a</sup>See Report of the Industrial Commission, Volume IV, page 760.

Another suggestion with respect to remedies somewhat less radical has been hinted at by several persons interested in the blacklisting cases, namely, that it might be made unlawful for any person to furnish a statement to any other employer concerning an employee without first furnishing the employee with a true copy. This would overcome some of the hardships which many men who have supposed themselves to be blacklisted have endured when told merely that their references were unsatisfactory. It would give them a chance, perhaps, to be heard and to combat untrue statements that might be made by a former employer. The real remedy for real grievances with respect to blacklisting will only come through the gradual working out of a system of discipline by the railroad companies by which a better record of an employee's services is kept, and through which better relations between employer and employed are maintained. It is insisted by some that the Government control and ownership of railroad lines would probably also accomplish the elimination of blacklisting, provided civil-service rules were enforced.

#### THE PENSIONING OF RAILWAY EMPLOYEES.

Definite pension systems have now been adopted by several of the leading railroad companies of the country as company measures. The pension features have naturally and inevitably grown out of other forms of company relief provided for employees. In general they represent efforts to extend and systematize earlier measures to aid employees.

There is little need here to call attention to the special needs of railroad employees for some kind of aid in protecting themselves against the accidents and other unavoidable ills inherent in their peculiar employment. Prof. Emory R. Johnson, of the University of Pennsylvania, has already treated at length of the history and plan of organization of railway relief departments in an article published in Bulletin No. 8, January, 1897; and also in a paper entitled Railway Departments for the Relief and Insurance of Employees, presented to the American Academy of Political and Social Science, and published in the Annals of the Academy, Volume VI, pages 424 to 468. Railway employees have also, through their brotherhood organizations, done much for themselves in the direction of providing mutual and fraternal insurance against sickness, accident, and death. The history and results of these efforts have also been reviewed by Professor Johnson in an able article entitled Brotherhood Relief and Insurance of Railway Employees, published in Bulletin No. 17, July, 1898. It may be of interest here, however, to refer briefly to some of the developments in forms of insurance and protection of railway employees since the date of the material considered in these articles, namely, since 1895 for material relating to company relief, and since 1897 for material relating to brotherhood relief.

## RELIEF AND INSURANCE SOCIETIES OF THE RAILWAY BROTHERHOODS.

The plan usually followed in the organization of insurance departments is to have a separate fund managed by the officers of the national organization in the brotherhood and subject to the control of the brotherhood assembled in its annual convention. In the case of the Brotherhood of Locomotive Engineers the insurance department is a separate organization with different officers, who, however, report to the annual convention. In most of the brotherhoods insurance is compulsory and is made a condition of membership. The terms on which insurance is offered in several brotherhoods is discussed at length by Professor Johnson in the article referred to above, and also somewhat more in detail by the present writer in a historical sketch of the brotherhoods, prepared as part of his report on the subject of railway labor for the Industrial Commission.(a) The subordinate lodges of the several brotherhoods provide in some cases for mutual funds which are for sick and accident benefits. These are, however, unimportant compared with the provision made by the several national organizations. The following tables will serve to indicate the recent growth and present condition of these insurance departments:

## STATISTICS OF THE LOCOMOTIVE ENGINEERS' MUTUAL LIFE AND ACCIDENT INSURANCE ASSOCIATION, 1894 TO 1900.

Year ending December 31—	Member-ship of brother-hood March 31.	Divi-sions at close of year.	Member-ship of insur-ance asso-ciation at close of year.	Assessments levied upon hold-ers of certificates of—				Assess-ments per \$1,000 of in-surance carried.	Total claims paid.	Total in-surance outstand-ing.
				\$750.	\$1,500.	\$3,000.	\$4,500.			
1894 ....	32,023	530	16,009	.....	\$25.00	\$50.00	\$75.00	\$16.67	\$409,500.00	\$30,900,000
1895 ....	31,004	533	16,872	.....	21.75	43.50	65.25	14.50	568,500.00	31,480,500
1896 ....	30,309	535	18,739	\$11.75	23.50	47.00	70.50	15.67	602,250.00	40,344,750
1897 ....	31,723	472	20,223	12.00	23.50	46.50	69.50	15.34	613,515.20	43,572,000
1898 ....	33,723	538	22,353	14.25	28.00	55.50	88.00	18.34	732,312.69	48,036,000
1899 ....	33,786	543	24,354	14.00	27.50	54.50	81.50	18.00	814,500.00	50,508,750
1900 ....	35,010	569	26,424	13.50	26.50	52.50	78.50	17.34	810,750.00	53,714,250

## STATISTICS OF THE BENEFICIARY DEPARTMENT OF THE BROTHERHOOD OF LOCOMOTIVE FIREMEN, 1892 TO 1900.

Fiscal year ending July 31—	Member-ship of brother-hood at close of year.	Lodges at close of year.	Member-ship of beneficia-ry depart-ment at close of year.	Amount assessed each member hold-ing a certificate for—			Number of bene-fits paid for each class.			Total claims paid.	Total in-surance outstand-ing.
				\$500.	\$1,000.	\$1,500.	\$500.	\$1,000.	\$1,500.		
1892....	26,256	488	25,967	.....	\$16.00	.....	.....	267	.....	\$399,250.00	\$38,950,500
1893....	28,681	506	28,550	.....	16.00	.....	.....	318	.....	476,750.00	43,825,000
1894....	26,508	517	26,377	.....	14.00	.....	.....	289	.....	435,467.50	39,565,500
1895 (b)	21,408	484	21,282	\$5.25	\$10.50	14.00	12	1	211	333,816.50	32,107,000
1896 (b)	22,461	507	22,227	6.00	12.00	16.00	6	9	203	316,084.50	33,102,400
1897 (b)	24,251	523	24,118	6.00	12.00	16.00	25	8	202	324,726.00	34,424,500
1898....	27,039	545	26,841	6.00	12.00	16.00	15	8	220	338,000.00	37,372,500
1899....	30,748	561	30,500	6.00	12.00	16.00	40	12	265	424,900.00	41,937,500
1900....	36,084	577	35,801	6.00	12.00	16.00	28	11	287	458,672.00	49,312,500

a See Report of the Industrial Commission, Volume XVII, pages 821-847.

b Fiscal year ending June 30.

## STATISTICS OF THE MUTUAL BENEFIT DEPARTMENT OF THE ORDER OF RAILWAY CONDUCTORS OF AMERICA, 1892 TO 1900.

Year ending December 31—	Mem-ber-ship of or-der at close of year.	Divi-sions at close of year.	Mem bership of mu-tual benefit depart-ment at close of year.	Assessments levied upon series—					Assess-ments per \$1,000 of in-surance carried.	Number of ben-efits paid in series—					Total ben-efits paid.	Total insur-ance out-standing.
				A	B	C	D	E		A	B	C	D	E		
1892....	20,238	337	9,942	\$14	\$28	\$42	\$56	\$70	\$14	31	8	63	1	a	\$392,870.40	\$22,347,000
1893....	20,356	342	12,266	15	30	45	60	75	15	43	14	77	2	2	320,000.00	26,143,000
1894....	19,253	363	12,704	16	32	48	64	80	16	56	39	60	4	3	345,000.00	26,027,000
1895....	19,737	370	13,582	14	28	42	56	70	14	56	28	65	8	1	344,000.00	27,395,000
1896....	19,810	378	14,619	14	28	42	56	70	14	61	31	58	8	2	339,000.00	29,267,000
1897....	20,697	382	15,807	14	28	42	56	70	14	61	48	73	8	1	416,000.00	31,625,000
1898....	21,950	388	17,403	14	28	42	56	70	14	91	55	79	7	3	481,000.00	34,817,000
1899....	23,526	396	19,057	15	30	45	60	75	b 15	81	60	84	11	1	502,000.00	37,689,000
1900....	24,502	405	20,415	16	32	48	64	80	b 16	99	60	92	5	1	520,000.00	39,881,000

a Paid 61 old \$2,500 claims.

b Includes \$1 for reserve fund.

## STATISTICS OF THE BENEFICIARY DEPARTMENT OF THE BROTHERHOOD OF RAILROAD TRAINMEN, 1884 TO 1900.

[The assessments shown in this table from 1885 to 1894 do not agree with those shown in Bulletin No. 17, July, 1898, page 580. The figures here shown have been verified by the officials of the brotherhood and pronounced correct. The figures shown in Bulletin No. 17 were furnished by the brotherhood at the time, and the reason for the disagreement is not known.]

Fiscal year ending Au-gust 31—	Member-ship of brother-hood at close of year.	Subor-dinate lodges at close of year.	Member-ship of benefi-ciary depart-ment at close of year.	Amount assessed each member holding certificate for—					Assess-ments per \$1,000 of insur-ance car-ried.	Num-ber of claims paid.	Total paid on insur-ance claims.	
				\$400.	\$600.	\$800.	\$1,000.	\$1,200.				
1884.....	901	39	876	.....	.....	.....	.....	.....	.....	.....	.....	.....
1885.....	4,766	159	4,703	.....	.....	.....	.....	.....	.....	\$16.00	27	\$6,596.82
1886.....	7,993	223	7,914	.....	\$13	.....	.....	.....	.....	21.66	83	44,976.63
1887.....	8,622	227	8,476	.....	.....	\$13	.....	.....	.....	16.25	127	99,100.00
1888.....	11,413	260	11,209	.....	.....	.....	\$16	.....	.....	16.00	165	123,106.25
1889.....	13,562	318	13,322	.....	.....	.....	21	.....	.....	21.00	221	253,318.00
1890.....	14,057	365	13,837	.....	.....	.....	22	.....	.....	22.00	271	274,027.25
1891.....	20,409	422	20,198	.....	.....	.....	21	.....	.....	21.00	346	368,637.05
1892.....	24,431	489	24,131	.....	.....	.....	21	.....	.....	21.00	391	441,221.00
1893.....	28,540	532	28,219	.....	.....	.....	23	.....	.....	23.00	547	573,203.00
1894.....	22,359	507	22,070	.....	.....	.....	.....	\$19	.....	15.83	532	590,310.20
1895-96 (a) ..	22,326	514	21,846	.....	\$9	18	.....	.....	.....	22.50	751	b 893,407.98
1897-98 (c) ..	31,185	568	28,198	.....	9	18	.....	.....	.....	20.00	928	1,042,014.44
1899-1900(c) ..	43,500	602	40,500	.....	9	18	.....	.....	.....	22.50	1,317	d 1,419,828.42

a From August 31, 1895, to December 31, 1896—sixteen months.

b This total is made up of the following items: 12 \$400 certificates, \$4,800; 3 \$800 certificates, \$2,400; 33 \$1,000 certificates, \$33,000; 679 \$1,200 certificates, \$814,800; 1 \$2,000 claim, \$2,000; 11 \$2,400 claims, \$26,400, and 12 miscellaneous certificates (where interest and attorney fees are added by courts), \$10,007.98.

c For two years. Under the head "Amount assessed each member," the amount given is for one year.

d For this year 10 per cent of the membership of the beneficiary department was in Class A, 5 per cent in Class B, and 85 per cent in Class C. From August 1, 1895, these three classes of insurance have been issued: A, certificates for \$400; B, certificates for \$800; C, certificates for \$1,200.

## STATISTICS OF MUTUAL BENEFIT DEPARTMENT, ORDER OF RAILROAD TELEGRAPHERS, 1900.

The mutual benefit department of the Order of Railroad Telegraphers was organized January 1, 1898. It provided a plan for benefits for all members initiated after that date and also for old members who wished to participate. Certificates are issued in series of

\$300, \$500, and \$1,000 each. The minimum cost of membership in the order is \$3.50 initiation fee and \$7 per year dues. Any member of the order in good standing and satisfactory physical condition is compelled to be a member of the benefit department. Members over 18 and under 45 years of age may hold one certificate in either of the three series, A, B, or C; members over 45 but not over 50 are eligible only to series A and B, and members over 50 but not over 60 are eligible only to series A. Members over 60 are not eligible to membership in the mutual benefit department. The dues in the mutual benefit department are payable bimonthly, being six payments per year of 35 cents each for a certificate in series A; 50 cents each for a certificate in series B, and \$1 each in series C. There is an initiation fee of \$1 for membership in any series. If these assessments do not prove sufficient to pay approved claims the secretary, by the advice and consent of the insurance committee, may levy extra assessments. The order is not very strong, but in the year 1900 reported 82 subdivisions with 8,000 male members and 200 female members. Membership in the mutual benefit department on December 1, 1899, was as follows: Series A, 3,063; series B, 2,136; series C, 2,323. During the year 1899 death claims paid amounted to \$17,500.

STATISTICS OF BROTHERHOOD OF RAILWAY CARMEN'S MUTUAL AID ASSOCIATION,  
1892 TO 1900.

Fiscal year ending June 30—	Membership of brotherhood at close of year.	Lodges at close of year.	Membership of mutual aid association at close of year.	Amount of assessments levied.	Number of benefits paid.	Total benefits paid.
1892 .....	5,000	135	70	\$1.00	1	\$70.00
1893 .....	4,200	159	193	3.00	3	460.00
1894 .....	2,900	110	141	2.00	2	283.00
1895 .....	1,800	60	122	2.00	2	250.00
1896 .....	740	12	60	1.00	1	57.00
1897 .....	1,300	35	90	1.00	1	90.00
1898 .....	1,000	30	50	.....	.....	.....
1899 .....	1,500	50	60	.....	.....	.....
1900 .....	3,500	90	65	2.00	2	150.00

Although the brotherhoods are in a flourishing condition, both with respect to the membership in the brotherhood proper and also in the membership of the insurance or beneficiary departments, there is some sign of a tendency for the average age to increase, which may seriously affect the death risk. As these departments are mostly organized on the mutual plan, this fact alone may not for some time make the insurance certificates of the brotherhood organizations any less desirable, except that it will tend to make them cost more—that is, the assessments are likely to go up. Some such tendency is already noticeable in the tables just given. The hardship of this condition lies in the fact that if assessments increase the older members, especially on the older policies, find it increasingly difficult to provide for the additional burden. Some of the brotherhood organizations are already taking steps

to obviate this difficulty, which has caused the reorganization and sometimes the ultimate collapse of so many fraternal insurance societies. The benefit department of the Order of Railway Conductors, for instance, now collects one dollar assessment per year for the reserve fund, and most of these beneficiary departments are trying in some form or other to accumulate a reserve. The dangers incident to any other policy than one of great care in accumulating a reserve are well illustrated in the present condition of the so-called "Big Four" mutual association, which is a voluntary association of the employees of the Cleveland, Cincinnati, Chicago and St. Louis Railway, in which the company itself takes no part. The association has been in operation 31 years and in that time has paid out to its members between \$600,000 and \$700,000 in benefits. It has not been able of late, however, to recruit sufficient new and young members to keep down the average age. The financial statement presented at the last annual meeting of the association held in Indianapolis October 24, 1900, showed that of 974 full members 64 members of class A and 44 members of class B had forfeited during the year, and there had been 24 deaths. In order to make ends meet, \$400 of the reserve fund had to be carried over to the general fund account, although the company had donated \$750 to meet the running expenses of the association. This reduced the reserve fund at the close of the fiscal year to \$134. For an organization in such condition there is little choice but a reorganization and an increase of the assessments on the older outstanding certificates. The case cited is not an isolated one, but is typical of many mutual associations among railroad employees who have organized them independently of the brotherhood organizations or of the company forms of relief. Some mutual associations have been wise enough to make each assessment include a certain percentage to be used for a reserve fund. The amount should be based on rates that would result, after 25 years' contribution, in protecting the assessment of members who had contributed through that period, in order that they might either receive full-paid policies at the end of that time or be relieved of any increased assessment because of an increase in the average age of members. The insurance features of the brotherhoods which do not provide in their assessments for regular additions to the reserve fund are liable to the dangers just mentioned.

#### THE RAILWAY RELIEF DEPARTMENTS OF THE COMPANIES.

The six railway systems, whose relief departments were discussed in Professor Johnson's article in the Bulletin, still maintain these features, in addition to the pension departments which some of them have established. The last annual reports of four of these departments indicate that they are in a flourishing condition.

The Pennsylvania Railroad Voluntary Relief Department for the year ending December 31, 1900, showed for the relief fund account a balance on hand of \$248,799.93, in addition to which the relief fund

surplus, together with interest during the year, amounted on December 31, 1900, to \$669,981.90; the interest, amounting to \$29,877.05, was used for a superannuation fund, allowances being paid retired members during the year amounting to \$28,303.32. The total benefits paid during the year amounted to \$846,686.53, and the relief from contributions by the companies for members continuing disabled by sickness after receiving benefits for 52 weeks amounted to \$4,883.19. This item has been discontinued since the adoption of the pension fund feature by the Pennsylvania Railroad Company. During the 5 years that the department has been in operation benefits have been paid and contributions made by the company as follows:

Benefits paid from relief fund for—

Disablements from accident .....	\$1,556,469.21
Disablements from sickness .....	2,764,721.77
Deaths from accident .....	860,305.73
Deaths from other causes .....	2,616,035.55
Total benefits .....	7,797,532.26

Contributions made by the company for—

Operating expenses .....	1,300,654.30
Special payments .....	60,652.86
Relief to sick members having exhausted their title to benefits ..	363,919.05
Deficiencies in relief fund .....	76,585.51
Total contributions by company .....	1,801,811.72
Total payments from relief fund and from company .....	9,599,343.98

The accessions to membership during 1900 were 12,939, averaging 1,038 per month, and exceeding the deaths and withdrawals by 12,302. There were 9,303 members who left the service. The net gain in membership was 2,999; the average monthly membership 50,184, and the total at the close of the year 1900 was 51,528 members. (a)

The last annual report of the Burlington Voluntary Relief Department for the year ending December 31, 1900, showed an estimated surplus of \$329,145.29. The net contributions of members for the year 1900 amounted to \$354,107.68. The railroad company allowed interest on monthly balances at 4 per cent per annum, which amounted to \$42,532.94. The payments by the railroad company in establishing,

a For a very complete statement of the operation and present condition of the Pennsylvania Railroad employees' relief fund see articles by Mr. J. A. Anderson in the Railroad Gazette for December 21, 1900, and December 28, 1900. Mr. Anderson was superintendent of this department until January 1, 1900, at which time he was retired under the pension department regulations. The plan is very largely of Mr. Anderson's creation in its development. His suggestions have usually been followed by the company with great success, and, as already noted, other companies have very largely followed this example. See also Professor Johnson's articles in Bulletin No. 8, January, 1897, page 55, and Annals of the American Academy, Volume VI, 1895. See also pamphlet entitled The Pennsylvania Railroad Voluntary Relief Department, How Organized, and the Results of Thirteen Years' Operation, published by the advisory committee, Trenton, N. J.

operating, and maintaining the relief department from 1889 to 1900, inclusive, were as follows:

Establishment and maintenance to 1899, inclusive .....	\$558,365.48
Operating expenses for 1900.....	63,206.96
Deficiencies charged off during period .....	42,532.94
Total payments by railroad company .....	664,105.38

The considerable surplus carried will not be used as a basis for a superannuation fund, as no such feature was contemplated in the Burlington form of organization. The surplus will probably be needed, for the regulations as amended January 1, 1900, have become more liberal, and the average age of the permanent force is increasing, which must result in an increase in the death rate. With these two considerations in view the amount of surplus is small, considering the magnitude of the operations and the amount of death benefit at risk. The total amount of death benefit carried by the 19,000 members of the Burlington Voluntary Relief Department is nearly \$12,000,000. The benefits paid in 1900 were classified as follows:

Disablements from sickness .....	\$83,841.23
Deaths from sickness .....	61,110.00
Disablements from accident .....	98,584.00
Deaths from accident .....	32,488.34
Surgical attendance .....	19,861.57
Total benefits .....	295,885.14

The membership in this fund on December 31 of each year since 1889 was as follows:

MEMBERSHIP OF BURLINGTON VOLUNTARY RELIEF DEPARTMENT, DECEMBER 31, 1889 TO 1900.

Year.	Member-ship December 31.	Year.	Member-ship December 31.
1889.....	5,027	1895.....	13,463
1890.....	9,407	1896.....	12,755
1891.....	10,336	1897.....	15,228
1892.....	12,283	1898.....	16,325
1893.....	11,476	1899.....	17,412
1894.....	11,768	1900.....	18,668

The percentage of members to employees has remained about constant during this period. In December, 1889, it was 55.09 per cent, and in December, 1900, 57.78 per cent.

The twelfth annual report of the Philadelphia and Reading Relief Association for the year ending November 30, 1900, shows contributions by members amounting to \$236,645.45; contributions by the Philadelphia and Reading Railway Company, \$8,753.79; interest on monthly bank balances at 3 per cent per annum, \$439.48; income from investments, \$25,945.95; making a total of receipts of \$274,884.67. Total death benefits paid during the year amounted to \$105,462.80, and

the total disablement benefits amounted to \$148,595.45. The surplus for the year was \$6,818.12, and the accumulated surplus on November 30, 1900, was \$407,285.60. The advisory committee directed the setting aside of \$10,687.45 from the surplus fund for the further support of such disabled members as, having received 52 weeks' disabled benefits, remain thereafter totally unable to earn a livelihood. The expenses of operating the relief association for the year were \$27,692.76, of which amount \$14,184.46 was paid by the company and the balance, \$13,508.30, was paid out of the relief fund. In addition to this amount paid by the company, the company contributed the sum of \$11,853.79, equaling 5 per cent of the sums contributed during the year by the employees who were members of the association. This is in accordance with the agreement of the company with the association. It made a cash outlay by the company for the year of \$26,038.25, in addition to which the company contributed the time of certain officials in several departments of the service, who attended to relief association business, legal services and expenses, the rent and care of offices, and the use of telegraph facilities. The average age of members who died during the year was 41.54 years. The average membership for the year was 16,782, and the membership at the close of the year was 17,208, being an increase compared with the previous year of 824.

The last report of the Baltimore and Ohio Relief Department (the twelfth annual) for the fiscal year ending June 30, 1900, shows that the relief feature began its operations with a gross balance on hand June 30, 1899, amounting to \$727,105.78; that there was realized from premium on exchange of investments during the year, to be added to this fund, \$21,866.60, making a total of \$748,972.38. The chief items of receipt for the year were as follows: Contributions from members, \$496,299.26; interest on investments, \$34,632.05; interest paid by the company on monthly balances in treasurer's hands, \$1,263.80. The assets over estimated liabilities at the close of the year amounted to \$622,942.22. The chief items of expenditure during the year were as follows: Benefits to members, including surgical expenses, \$491,859.76; general expenses, \$54,238.56; legal expenses, \$1,081.76; contributions refunded members leaving the service, \$5,778.85. An analysis of benefits paid from July 1, 1899, to June 30, 1900, is as follows:

BENEFITS PAID BY THE BALTIMORE AND OHIO RELIEF DEPARTMENT, JULY 1, 1899, TO JUNE 30, 1900.

	Number of pay- ments.	Amount.	Average per payment.
Deaths from accident on duty .....	107	\$113,113.25	\$1,057.13
Deaths from other causes .....	203	133,208.68	656.20
Disablements from injuries received in discharge of duty .....	8,382	96,157.18	11.47
Surgical expenses .....	5,888	10,763.64	1.82
Disablements from sickness and causes other than above .....	9,104	138,617.01	15.22
Aggregate .....	23,684	491,859.76	20.76

A similar analysis of benefits paid by the Baltimore and Ohio Employees' Relief Association and this department from May 1, 1880, to June 30, 1900, is as follows:

BENEFITS PAID BY BALTIMORE AND OHIO EMPLOYEES' RELIEF ASSOCIATION AND ITS SUCCESSOR, THE BALTIMORE AND OHIO RELIEF DEPARTMENT, MAY 1, 1880, TO JUNE 30, 1900.

	Number of pay- ments.	Amount.	Average per payment.
Deaths from accident on duty .....	1,397	\$1,476,095.47	\$1,056.61
Deaths from other causes .....	2,901	1,432,834.54	493.91
Disablements from injuries received in discharge of duty .....	90,609	1,123,134.17	12.39
Surgical expenses .....	55,683	201,558.31	3.61
Disablements from sickness and causes other than above .....	119,872	1,776,577.06	14.82
Aggregate .....	270,462	6,010,199.55	22.22
Add disbursements for expenses, etc., during same period .....		1,447,232.43	.....
Total disbursements for all purposes .....		7,457,431.98	.....

The total membership of the relief department at the close of the fiscal year was 34,672. The average monthly membership was 32,073.

The relief department of the Pennsylvania lines west of Pittsburg is of course in all its essential features the same as that of the lines east of Pittsburg, but it is a separate organization, and its fiscal year ends on June 30 instead of December 31. Its operations brought down to December 31, 1899, are given by Mr. J. A. Anderson. (a) Its recent operations are as follows: 62 per cent of the employees on the lines west of Pittsburg were members of the relief department on December 31, 1899, the membership for each year since 1890 being as follows:

MEMBERSHIP OF THE RELIEF DEPARTMENT OF THE PENNSYLVANIA LINES WEST OF PITTSBURG, DECEMBER 31, 1890 TO 1899.

Year.	Member- ship Dec. 31.	Year.	Member- ship Dec. 31.
1890.....	11,166	1895.....	15,884
1891.....	11,391	1896.....	15,936
1892.....	12,462	1897.....	16,455
1893.....	11,462	1898.....	16,801
1894.....	13,619	1899.....	17,749

The financial operations for the year 1899 are summarized as follows:

Contributions by members .....	\$2,723,284.62
Contributions by the company:	
Operating expenses .....	490,828.90
Deficiencies .....	21,479.36
Supplementary company relief .....	56,282.30
Total .....	568,590.56
Interest on current balances paid by company .....	43,455.52
Death benefits:	
Accidents in service .....	256,780.52
Natural causes .....	742,174.45

<sup>a</sup> See Railroad Gazette, December 28, 1900.

## Disablement benefits:

Accidents in service .....	\$717,720.90
Sickness .....	895,002.67
Total benefits .....	2,611,678.54

Cash on hand to meet liabilities incurred or to go to surplus .....

176,724.86

In addition to the above railway relief departments, included in Prof. Johnson's review of such work, there was organized March 10, 1899, The Atlantic Coast Line Relief Department. It is managed by an advisory committee, of which the general manager of the Wilmington and Weldon Railroad Company is chairman, and the committee includes 12 members, 6 chosen annually by the boards of directors of each of the constituent companies and 6 chosen annually by the several classes of contributing employees. The enginemen, hostlers, firemen, and wood passers of the associated companies make up one class of employees, which chooses 1 member of the advisory committee; the conductors, yard masters, baggage masters, flagmen, brakemen, train hands, and yardmen constitute a second class, with 1 representative; the employees of the roadway departments make up a third class, which elects 2 representatives; the machinists, carpenters, overhaulers, cleaners, and other shop employees make a fourth class, with 1 representative; and the station agents, train dispatchers, telegraph operators, clerks, warehousemen, and all others a fifth class, with 1 representative.

The associated companies are as follows: Wilmington and Weldon Railroad Company, Atlantic Coast Line Railroad Company of Virginia, Atlantic Coast Line Railroad Company of South Carolina, and the Norfolk and Carolina Railroad Company. The associated companies guarantee the fulfillment of the obligations of the relief department and take charge of all moneys belonging to the relief fund, allowing 4 per cent interest on monthly balances and paying all operating expenses. There are 5 classes of membership, determined by amount of wages or average earnings per month of employees, as follows: (1) Less than \$35; (2) from \$35 to \$55; (3) from \$55 to \$75; (4) from \$75 to \$95; (5) \$95 or over.

No age qualification nor medical examination was required of employees in the service of the company 3 months previous to the date when the relief fund went into operation (April 1, 1899), if they desired to become members. Members of each class contribute the following amounts monthly: (1) \$0.75; (2) \$1.50; (3) \$2.25; (4) \$3; (5) \$3.75, for which they receive:

(1) *Accident benefits.*—Payment for each day of continuous disability by reason of accident on duty, for a period not longer than 52 weeks in each class, as follows: (1) \$0.50; (2) \$1; (3) \$1.50; (4) \$2; (5) \$2.50, and at half these rates thereafter during the continuance of disability. Members are also entitled to free surgical attendance.

(2) *Sick benefits.*—Payment for each day, except for the first 6 days, of disability by reason of sickness, for a period not longer than 52 weeks, at same rates as for accident benefits.

(3) *Death benefits.*—To the beneficiaries of members of each class, as follows: (1) \$250; (2) \$500; (3) \$750; (4) \$1,000; (5) \$1,250.

With the exception of the first members, who were in the employ of the company 3 months or more previous to the date of organization of the relief department, applicants for membership are subject to physical examination and to certain age conditions, and all members have certain privileges by which they can take out additional benefits at proportionately reduced charges, as will appear in the following table:

COST PER MONTH OF INSURANCE IN THE ATLANTIC COAST LINE RELIEF DEPARTMENT.

Total death benefit.	Monthly contribution in—									
	1st class—pay per month less than \$35, benefits 50 cents per day.	2d class—pay per month \$35 or less than \$55, benefits \$1 per day.	3d class—pay per month \$55 or less than \$75, benefits \$1.50 per day.	4th class—pay per month \$75 or less than \$95, benefits \$2 per day.	5th class—pay per month \$95 or over, benefits \$2.50 per day.	Over 45 but not over 60 years of age.	Over 45 but not over 60 years of age.	Over 45 but not over 60 years of age.	Over 45 but not over 60 years of age.	Over 45 but not over 60 years of age.
45 years of age or under.	45 years of age or under.	45 years of age or under.	45 years of age or under.	45 years of age or under.	45 years of age or under.	45 years of age or under.	45 years of age or under.	45 years of age or under.	45 years of age or under.	45 years of age or under.
\$250	\$0.75	\$0.75	-----	-----	-----	-----	-----	-----	-----	-----
\$500	1.05	1.20	\$1.50	\$1.50	-----	-----	-----	-----	-----	-----
\$750	-----	-----	1.80	1.95	\$2.25	\$2.25	-----	-----	-----	-----
\$1,000	-----	-----	2.10	2.40	2.55	2.70	\$3.00	\$3.00	-----	-----
\$1,250	-----	-----	-----	-----	2.85	3.15	3.30	3.45	\$3.75	\$3.75
\$1,500	-----	-----	-----	-----	3.15	3.60	3.60	3.90	4.05	4.20
\$1,750	-----	-----	-----	-----	-----	-----	3.90	4.35	4.35	4.65
\$2,000	-----	-----	-----	-----	-----	-----	4.20	4.80	4.65	5.10
\$2,250	-----	-----	-----	-----	-----	-----	-----	-----	4.95	5.55
\$2,500	-----	-----	-----	-----	-----	-----	-----	-----	5.25	6.00

The ordinary death benefit of the first class is \$250, and on this is based all ordinary and additional benefits. The ordinary death benefit of each higher class is this \$250 multiplied by the number of the class, so that the second class gets \$500 ordinary death benefit, and so on for the other classes. The member of the first class pays 75 cents monthly contribution, entitling him to 50 cents daily benefits when sick or injured and \$250 death benefit, as provided for in the regulations. If the member is not over 45 years of age, he can secure additional death benefit equal in amount to the death benefit of his class, viz, \$250, for which he contributes 30 cents additional per month. If over 45 years of age he contributes 45 cents additional per month. A member of the second class secures \$500 ordinary death benefit, and can take 2 or less additional death benefits under same rates as a member of the first class for each additional death benefit. The other classes are provided for in like manner. When a member applies for additional death benefit he must submit to a medical examination, as provided in the regulations.

The following tabular statements illustrate the work and results of the Atlantic Coast Line Relief Department from the date of its organization to December 31, 1900:

OPERATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 1900.

Balance on hand December 31, 1899 .....	\$11,141.01
Net contribution of members in 1900 .....	\$43,075.33
Interest on monthly balances at 4 per cent per annum, paid by the railroad company .....	549.23

Income from treatment of pay patients at South Rocky Mount Relief Department Hospital (a).....	\$63.00
Total receipts for 1900.....	\$43,687.56
Total resources.....	54,828.57
Benefit orders cashed by treasurer in 1900.....	\$37,515.93
South Rocky Mount Relief Department Hospital vouchers cashed by treasurer in 1900.....	1,690.75
	39,206.68
Balance on hand, as per books of relief department, December 31, 1900..	15,621.89

## LIABILITIES, DECEMBER 31, 1900.

Outstanding benefit orders .....	\$5,595.73
Death benefit awaiting acceptance .....	3,000.00
Estimate of maturing liability of 122 open cases of disability .....	3,050.00
Reserve liability on account of contributions for death-benefit-only memberships (b) .....	1,246.17
Unpaid South Rocky Mount Relief Department Hospital maintenance vouchers .....	27.70
Total known and estimated liability .....	12,919.60
Estimated surplus .....	2,702.29

## SUMMARY OF ACCOUNT FROM APRIL 1, 1899, TO DECEMBER 31, 1900.

Net contributions of members.....	\$67,463.96
Income from treatment of pay patients at South Rocky Mount Relief Department Hospital.....	63.00
Interest on monthly balances at 4 per cent per annum, paid by the railroad company.....	708.69
Total resources.....	\$68,235.65
Benefit orders paid account of sickness and death from sickness .....	40,592.50
Benefit orders paid account of accident and death from accident.....	10,330.51
Vouchers paid account of maintenance of South Rocky Mount Relief Department Hospital.....	1,690.75
Total payments .....	52,613.76

Balance on hand, as per books of relief department December 31, 1900.....	15,621.89
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## CLASSIFICATION OF BENEFITS PAID IN THE YEAR 1900.

Disability from sickness.....	\$13,899.00
Death from sickness.....	15,500.00
Total account sickness.....	\$29,399.00

a For treatment at Relief Department Hospital of injured persons not members of the relief department; composed principally of employees not members of the relief fund injured in railroad service, trespassers, etc., for whose care and treatment the railroad company pays the relief fund.

b Members out of the railroad company's service continuing their relief department membership in respect of death benefit only after termination of service.

Disability from accident .....	\$4, 243. 00
Death from accident .....	2, 250. 00
Surgical attendance .....	1, 623. 93
 Total account accident .....	 \$8, 116. 93
 Total benefits .....	 37, 515. 93
Average payment on cases of sickness closed during the year .....	14. 29
Average payment on cases of accident closed during the year (a) .....	16. 62
Average payment on cases of death from sickness .....	466. 21
Average payment on cases of accidental death .....	406. 25
Average number of days paid on cases of sickness closed during year .....	15½
Average number of days paid on cases of accident closed during year .....	16

## DISABILITY RECORD AND DEATH RATE FOR THE YEAR 1900.

Number of cases of sickness on hand December 31, 1899 .....	57
Number of cases of sickness reported in 1900 .....	1, 952
Number of cases of sickness recovered in 1900 .....	1, 880
Number of cases of sickness terminating fatally .....	37
 Number of cases of sickness on hand December 31, 1900 .....	 92
 Number of cases of accident on hand December 31, 1899 .....	 23
Number of cases of accident reported in 1900 .....	400
Number of cases of accident recovered in 1900 .....	384
Number of cases of accident terminating fatally .....	9
 Number of cases of accident on hand December 31, 1900 .....	 30
Average number of cases of disability on hand December 31, 1900 .....	122
 Average number cases of sickness on hand, 116; equals 46 per thousand members.	
Average number cases of accident on hand, 30; equals 12 per thousand members.	
Average number cases of disability on hand, 146; equals 58 per thousand members.	
Death rate per thousand members, sickness .....	14. 6
Death rate per thousand members, accident .....	3. 5
 Death rate per thousand members, total .....	 18. 1

## MEMBERSHIP RECORD FOR THE YEAR 1900.

Membership, December 31, 1899 .....	2, 513
Accessions in 1900 .....	917
Cessations in 1900 .....	935
 Decrease in membership in 1900 .....	 18
Membership, December 31, 1900 .....	2, 495
Average membership in 1900 .....	2, 537
Percentage of members to employees on December 31, 1900, was .....	49. 55

*a* Includes payments for surgical expenses.

The amount contributed by the railroad company from its own funds for the operation of the relief department for the year 1900 was \$16,925.53.

The amount paid by the railroad company for the inauguration, operation, and maintenance of the relief department in the year 1899, from April 1, the date of inauguration, was \$15,465.12, making a total of \$32,390.65 paid by the railroad company for the inauguration, operation, and maintenance of the department from April 1, 1899, to December 31, 1900.

In addition the railroad has given, without charge, the time of officials of other departments of the service in attending to relief department business, legal services, and expenses, the rent and cost of medical examiners' offices owned by the company, and the use of mail and telegraph facilities. Also during the year 1900 the railroad company built and fully equipped a modern hospital at South Rocky Mount, N. C., for the use of the relief department, costing complete more than \$26,000. The maintenance of this hospital, which was opened for the reception and care of patients on October 22, 1900, is provided for out of the relief fund, the privilege of free ward treatment being given each member of the fund thereat in cases of disability. Where members of the fund may desire private room treatment in this hospital a nominal charge of \$1 per day is made therefor. None but persons members of the relief fund are treated and cared for in this hospital without charge, and where others are admitted the usual hospital rates are charged, the moneys received therefrom being credited to the relief fund.

#### ACCIDENT INSURANCE.

Some railroads have, in addition to relief departments, or as a part of such work, made provision by which employees who are considered as extra hazardous risks by the insurance companies may be insured by regular companies at special rates. In some cases this is an arrangement made between the railroad company and the insurance company on the terms of a special contract. In other cases the railroad company either offers or requires employees to insure in a particular insurance company, agreeing to pay part of the premiums, the premiums being paid at the usual rates.

The Chicago and Eastern Illinois Railroad Company provides a special form of insurance of its own. Application for such insurance is made out by an employee, who authorizes the company to advance for him the premium by deducting from each month's pay, so long as he remains in the service of the company or until the policy is canceled by the company, the rate of premium agreed upon. The rates established by the railroad company are: For office men, station men, passenger conductors, tower men, and flagmen, one-half of 1 per cent of monthly wages; for freight trainmen and switchmen, 2 per cent of monthly wages; for all other employees, 1 per cent of monthly wages; in return for which a certificate of insurance, providing for a benefit, in case of accidental injury not resulting in death, equal to one-half of employee's usual wages for a period not exceeding 50 weeks, provided that the total does not exceed \$1,000, and, in case of death, providing for the payment of a benefit of one-half the employee's usual wages for one year (less amounts paid on account of the injury), and also of

funeral expenses and doctors' bills to the extent of a sum not exceeding \$100, the total not to exceed \$1,000. The certificate of insurance is as follows:

No. —. \$ — per month.

This is to certify: That ——, employed by the Chicago and Eastern Illinois Railroad Company as ——, residing at ——, is insured against accidents resulting in bodily injury or death.

By the terms of his insurance said insured will receive, through the paymaster of said Chicago and Eastern Illinois Railroad Company (on regular pay days only), in case he shall sustain accidental injury at any time after the date hereof, and while he remains in the employ of said company (unless this policy shall be sooner canceled, as herein-after provided), the following benefits:

1. In case of accidental injury not resulting in death, one-half of his usual wages during such time (not exceeding fifty weeks) as he shall be totally and necessarily disabled from all work by reason of such injury, the total in no event to exceed the sum of \$1,000. Such benefit shall not accrue nor be payable except on presentation of certificate of attending surgeon as to consequent disability, and the certificate of the local surgeon of the Chicago and Eastern Illinois Railroad Company shall determine the period of such disability.

2. In case of accidental injury resulting in death, ——, of insured, if surviving, otherwise the legal representatives of said insured, will receive one-half of his usual wages for one year (less such amounts as shall have been paid to said insured by reason of such injury, during his lifetime); said company will also pay funeral expenses and doctor's bills (not exceeding \$100), the total in no event to exceed the sum of \$1,000.

For the purposes of this insurance it is hereby agreed that —— dollars per month shall be considered to be the "usual wages" of said insured, and shall be the basis for the computation of all premiums and benefits to be paid hereunder.

Such benefits shall not accrue except for accidental injury sustained by said insured while he is actually engaged in the service of said company, nor unless immediate notice of such injury shall be given by said insured to his superior officer.

No benefits shall accrue hereunder for any injury that may be sustained by said insured by reason of the act of God, or of accident occurring as the result of a riot or other violation of law.

Whenever said insured shall change his employment in said company's service he will be required to take out a new policy.

Said company reserves the right to cancel this policy at any time, provided that thirty days' notice of such cancellation be given to said insured by written notice delivered to him or by printed notices posted on its various bulletin boards and at the stations on its railroad.

Dated at Chicago, Illinois, this —— day of ——.

CHICAGO AND EASTERN ILLINOIS RAILROAD COMPANY.

This certificate will not be valid unless countersigned by ——.  
Countersigned: \_\_\_\_\_.

This accident insurance is not self-sustaining on the basis of the premiums charged, but the company agrees to pay the deficits. The

department was put in operation June 1, 1893, and the company has contributed the sum of \$3,065.59 over and above premium receipts for the period from June 1, 1893, to January 1, 1901.

The Illinois Central Railroad Company and the Texas and Pacific Railway Company have made arrangements with accident-insurance companies whereby the most favorable rates are obtained for their employees. The Ann Arbor Railroad Company requires all employees in the train service to carry accident-insurance policies in a specified insurance company and collects the premiums by deducting them from the wages of the employees and handing them over to the insurance company. The Cincinnati, New Orleans and Texas Pacific Railway has encouraged accident and life insurance companies to do business on its road, and has indicated its willingness to collect premiums without charge. On July 12, 1897, the receiver of that road announced that he had arranged with the Railroad Officials and Accident Association of Indianapolis to issue policies of insurance upon conductors, engineers, firemen, brakemen, bridge carpenters, signalmen, yardmen, and foremen at regular rates, and that the railroad company would, until further notice, pay 45 per cent of the premiums named in the policies. Such insurance was voluntary, but if taken would cost the employee only 55 per cent of the regular premiums. The Chicago and Alton Railroad Company also offers to aid its employees in securing life and accident insurance. It has a contract by which it secures favorable rates, and it also agrees to pay half the premium for policies issued to conductors, baggagemen, engineers, firemen, bridge carpenters, yard foremen, and switchmen, and 30 per cent of the premiums on policies issued to all other employees. It has also provided for a form of accident insurance for a term life policy, insuring, for a term not exceeding five years, the employee against death from natural causes. The company assists the employee desiring a term life policy by paying one-half of the premium for the first year. This policy, however, is issued only to those who hold an accident policy in conformity to the company's scheme. The taking of these insurance policies is in no sense compulsory. The Union Pacific Railroad put into operation January 1, 1901, a plan for its employees to secure accident-insurance policies, the company paying one-third of the premium for those in the most hazardous occupations and one-fourth of the premium in other cases.

#### PENSION DEPARTMENTS.

Most of the relief departments organized by the railroad companies have made provision by which any surplus should be used for superannuation or pension relief. The Burlington Relief Department alone did not contemplate such action at the beginning. In proportion as the companies have been liberal in making up deficiencies and have

allowed some surplus to accumulate the need for definite organization to carry out this part of the purpose of the plan of relief departments has become necessary. It is also plainly evident to railway officials that the interest on the surplus of the relief departments was not enough to accomplish much in the direction of pensions. The roads establishing pensions have therefore had to consider from the financial side, whether the assistance they were already giving under general moral pressure and in a desultory way to persons disabled in the service or to those who had reached an age when they were incapacitated for further service could be better utilized in a more definite pension scheme; would it not pay them financially to pension many of their incapacitated employees, whether incapacitated by accident or age, who were now employed in easy positions largely for the purpose of giving them relief; furthermore, would not the result of making the future more secure for those entering railway service enable the companies to reduce the age at which men were admitted to the service and at the same time appeal more strongly to young men to go into the service. Pension departments have been largely the outgrowth of such questions being answered in the affirmative. They have originated in the desire to render more systematic aid to those who spend a long period of their lives in the service of the companies, and to improve the service by weeding out weak and incompetent men and by reducing the average age of employees.

The first pension department was that of the Baltimore and Ohio Railroad Company, which was established at the same time the relief department was inaugurated and as part of the same scheme. This dates from March 15, 1889. The fund for the payment of pensions is, by the regulations of the relief department, derived wholly from the contributions of the company, and such contributions are applied to the following purposes, in the order of their precedence: First, to provide means of support during life for those persons members of the relief department for 4 consecutive years, who, having served the company for 10 consecutive years and having reached the age of 65, shall have been honorably relieved from duty. Second, to provide in the same manner for persons who elect to retire from the service. Third, if at any time the funds applicable are, in the opinion of the committee in charge of this feature, more than sufficient for the above purposes, such surplus shall be applied to aid or support such members of the relief department as most deserve and need such support. Members are not entitled to receive pension allowances and wages from the company at the same time, nor to receive benefits from the relief department and a pension at the same time. The pensions are paid monthly and are based on a daily allowance, excluding Sundays, equal to one-half the benefits provided to be paid for sickness under the regulations of the relief department to a member of the class to which the

pensioner would, while in the service, have been assigned under the regulations of the relief department. Such pension is increased in the case of a pensioner who has been continuously a member of the relief department for 15 years by an addition of 5 per cent, and a like addition for each additional term of 5 consecutive years of membership. Membership in the relief department is divided into 5 classes based on monthly wages, as follows: A, those receiving not more than \$35; B, those receiving more than \$35, but not more than \$50; C, those receiving more than \$50, but not more than \$75; D, those receiving more than \$75, but not more than \$100; E, those receiving more than \$100. Under the conditions of the pension department the amounts of daily allowances for the several classes therefore would be, for those who had been members of the relief department 10 years, as follows: A, 25 cents; B, 50 cents; C, 75 cents; D, \$1; E, \$1.25. For those members of the relief department for 15 years: A,  $26\frac{1}{2}$  cents; B,  $52\frac{1}{2}$  cents; C,  $78\frac{3}{4}$  cents; D, \$1.05; E,  $\$1.31\frac{1}{4}$ . And for those members of the relief department for 20 years: A, 27 cents; B, 55 cents; C,  $82\frac{1}{2}$  cents; D, \$1.10; E,  $\$1.37\frac{1}{2}$ . These pensions would, therefore, amount to about \$6.35 per month for a member of the lowest class who had been a member of the relief department only 10 years, and to about \$33.37 $\frac{1}{2}$  for a member of the highest class who had been a member of the relief department for 20 years. This pension feature was organized October 1, 1884, when the relief department was known as "The Baltimore and Ohio Employees' Relief Association," before the company made it a department of the service. From October 1, 1884, to January 30, 1900, 589 persons have been pensioned. The company's annual contribution up to July 1, 1900, was \$31,000, and was increased on that date to \$75,000. On June 15, 1901, there were 328 pensioners, costing annually \$61,174. The company has provided sufficient funds to pay the pensions of all persons who have made applications therefor, and the total amount thus paid since the inauguration of the pension feature by the Baltimore and Ohio Railroad Company has been \$557,753.90.

Next in order of the time came the pension department of the Pennsylvania Railroad, established January 1, 1900, on the lines east of Pittsburgh, and a similar organization established by the lines west of Pittsburgh, going into effect January 1, 1901. This is the most elaborate pension scheme yet adopted by any railroad company, and, perhaps, by any industrial organization. It was not undertaken until after very careful investigation had been made of the experience of foreign railroad corporations in this direction and of a number of methods proposed to accomplish the ends in view. (a) The main features of the

<sup>a</sup> See the text of this report as prepared by Mr. M. Riebenack, assistant comptroller of the Pennsylvania Railroad and secretary of the board of officers of the pension department; Report of the Industrial Commission on Railway Labor, Exhibit 3, Volume XVII, pages 932-969.

pension plan as announced to the employees are given in the following general notices sent out by the president and general manager, as follows:

PENNSYLVANIA RAILROAD COMPANY.

GENERAL NOTICE.

The Pennsylvania Railroad Company, the Northern Central Railway Company, the Philadelphia, Wilmington and Baltimore Railroad Company, the West Jersey and Seashore Railroad Company, and the Philadelphia and Camden Ferry Company, having each adopted a similar plan of pension allowances, and also a similar policy of age limitation, to take effect on and after January 1, 1900, and having entered into an agreement for the joint administration of their respective pension departments, under the title of "The Pennsylvania Railroad Pension Department," this circular is issued to advise the officers and employees of the general terms of said plan and policy.

First. All officers and employees of the company, who are required by the organization to give their entire time to the service of the company, who shall have attained the age of seventy years; or who, being between the ages of sixty-five and sixty-nine years, inclusive, shall have been thirty or more years in the service of the company, and shall then be physically disqualified, shall be relieved and placed on the pension roll.

Second. Subject to ratable reduction, so that the entire annual expenditure for pension allowances by the five companies above named shall not at any time exceed the aggregate sum of three hundred thousand dollars, pensions shall be allowed upon the following basis:

Third. For each year of service one per centum of the average regular monthly pay for the ten years preceding retirement. Thus, by way of illustration: If an employee has been in the service of the company for forty years and has received on an average for the last ten years \$40 per month in regular wages, his pension allowance would be forty per cent of \$40 or \$16 per month.

Fourth. Pension allowances shall be paid monthly, and shall terminate on the death of the beneficiary.

Fifth. No pension allowance shall be paid to any officer or employee for a period during which he may be receiving accident or sick benefits from the relief department.

Sixth. The acceptance of a pension allowance shall not debar the beneficiary from engaging in other business; but such person can not reenter the service.

Seventh. The pension department shall, under the supervision of the president, be in charge of a board of officers consisting, until otherwise ordered, of the vice-presidents, the general manager, and the assistant comptroller of the Pennsylvania Railroad Company. The board of officers shall be appointed annually by the boards of directors of the several companies, and shall, subject to the approval of the said boards, make and enforce regulations for the government of the department.

Eighth. No action which shall now or hereafter be taken in connection with the origin or furtherance of a pension department or plan shall be held or construed to give any officer, agent, or employee a right to be retained in the service or become entitled to pension allowances, but, on the contrary, each company may discharge any officer, agent, or employee at any time, when in its judgment the interests of the company so require, without liability for pension or for other allowances save only salary or wages then earned and unpaid.

No person shall be taken into the service of the company who is over 35 years of age, except that, with the approval of the board of directors—

First. Former employees may be reemployed within a period of three years from the time of their leaving the service;

Second. Persons may, irrespective of age limit, be employed where the service for which they are needed requires professional or other special qualifications; but

Third. Persons may be temporarily taken into the service, irrespective of age limit, for a period not exceeding six months, subject to extension, when necessary, to complete the work for which engaged.

By order of the board of directors:

A. J. CASSATT, *President.*

OFFICE OF THE PRESIDENT,

*Philadelphia, December 18, 1899.*

PENNSYLVANIA RAILROAD COMPANY, NORTHERN CENTRAL RAILWAY COMPANY, PHILADELPHIA, WILMINGTON AND BALTIMORE RAILROAD COMPANY, WEST JERSEY AND SEASHORE RAILROAD COMPANY, PHILADELPHIA AND CAMDEN FERRY COMPANY.

GENERAL NOTICE.

By the action of the boards of directors of the several companies, above named, a new department of the service has been created.

The purport, functions, and powers of this department, and the benefits to be derived therefrom are set forth in a circular issued by the president of the Pennsylvania Railroad Company of even date, copies of which will be supplied for the information of employees.

The department will be operated under the title of "The Pennsylvania Railroad Pension Department," having for its purpose the relieving from active service and placing on a pension roll all officers and employees who are required by the organization to give their entire time to the service of the company; who have attained the age of 70 years, or who, being between the ages of 65 and 69 years, inclusive, shall have been thirty or more years in the service of the company, and shall then be physically disqualified.

The organization for conducting the pension department provides that, under the supervision of the president, it shall be in charge of a board of officers, consisting, for the present, of the vice-presidents, the general manager, and the assistant comptroller of the Pennsylvania Railroad Company, and that said board of officers shall be appointed annually by the boards of directors of the several companies, and shall, subject to the approval of the said boards, make and enforce regulations for the government of the department.

The regulations for the government of the department have been prepared in book form, for the use of officers, and will be sent to them by the secretary of the board of officers of the pension department. It is desired that officers make themselves acquainted at once with the regulations governing the department and that they will also take measures to see that all employees who shall, on January, 1, 1900, be over 70 years of age, are relieved from active service on that date, and that all employees who shall, after that date, attain the age of 70 years are relieved from active service from the first day of the calendar month following that in which they shall have reached that age.

Before an employee between the ages of 65 and 69 years, inclusive, can be relieved from active service the authority of the board of officers of the pension department must first be obtained.

The office of the department will be at Broad Street station, Philadelphia, and the operations of the same will commence January 1, 1900.

It is desirable that measures should be taken at once to facilitate the filling out of information blanks and when completed they should be forwarded in accordance with the regulations of the department as rapidly as possible.

Superintendents should take the subject up fully with their officers and others who employ men, making such explanations to them as will result in carrying out the purpose and intent of the department, and enforcing the regulations, both as to relieving employees and the employment of persons in the service in future.

J. B. HUTCHINSON,  
*General Manager.*

OFFICE OF THE GENERAL MANAGER,

*Philadelphia, Pa., December 18, 1899.*

This department completed its first year of operations on January 1, 1900, and a résumé of the work accomplished, as presented in the annual report, shows very gratifying results.

During the early operation of the present relief fund the pension adjunct was brought in view, provision for that end being made in the department regulations, wherein it is expressly stated that such surplus as should arise during specified triennial periods of the operation of the fund is to be set aside as a foundation for the superannuation and pension fund. The plan then considered involved, however, restrictive action, being confined in its workings to such employees only as were members of the relief organization. The working fund was to be exclusively the relief fund surplus. The real labor which eventuated in the development of a feasible plan for the creation of a general pension fund was not commenced, however, until the amount available for such purposes grew to proportions that warranted serious consideration of the subject.

A special committee on superannuation and pension fund was appointed by the advisory committee of the relief department. The committee examined into and reported upon the various systems of pensioning in operation on upward of seventy of the leading railways of Europe, America, Asia, Africa, and Australia. It prosecuted investigations along this line with a view of securing data which could be used in constructing a preliminary basis. This necessarily involved the responsible and arduous task of collecting, analyzing, and collating information for guidance in forming a plan suitable to the requirements of prevailing conditions in the United States. The information obtained from the various sources, however, while edifying and of much interest, did not enable the committee to reach any final conclusion as to the best plan to be adopted, and it became necessary to give the matter original thought and work it out from that standpoint, rather than upon any basis that existed, the result being an exhaustive preparation of statistical information embodying results of such a scheme from many different bases, and finally selecting one that would carry with it the assurance of success.

Such a plan was submitted to the president for action of the board, when the whole matter was referred to a special committee of that body. The plan named only embodied the care of superannuated employees, members of the relief fund, and the allowances were to be made from that fund. It was subsequently, however thought advisable and more liberal to make general provision for all old employees, by the company assuming the obligation of providing them with a pension allowance in addition to what the relief fund could afford to grant to its members who might be retired by the company. Subsequently the characteristics inevitably allied to a question of such

magnitude were narrowed down and crystallized into a purely pension basis for all employees, and the result laid before the directorate's special committee in a revised plan for pensioning employees, whether members of the relief fund or not.

In the pension fund, as established January 1, 1900, the company contributes the money necessary for its operation, and will be relieved from any further payments of amounts heretofore made by it on account of what is known as "company relief," i. e., carriage with its own money of relief fund members the length of whose sickness exceeds the regulation maximum benefit period of fifty-two weeks, and who are in consequence entitled to no further relief fund benefits on account of such sickness.

A board of officers has been created and invested with full power to make and enforce the rules and regulations incident to the care and conduct of the fund, and adopt such means as may be necessary to determine the eligibility of employees to receive benefits therefrom and fix the amount of allowance that shall be paid in each case.

This board consists of first vice-president, John P. Green; second vice-president, Charles E. Pugh; third vice-president, Sutherland M. Prevost; fourth vice-president, Samuel Rea; general manager, Joseph B. Hutchinson, and assistant comptroller, Max Riebenack.

Retirements will be voluntary and involuntary; that is, all employees 70 years of age and over will be considered as having attained the maximum age limit for active service, and will be retired and placed upon the pension fund roll, while those whose ages range from 65 to 69 years, and who, in the opinion of the fund administrators, have become physically disqualified or otherwise permanently incapacitated after 30 or more years of service, may be either voluntarily or arbitrarily retired and pensioned.

The pension allowance to such retired employees will be determined on the following basis: For each year of service, a fixed per centum of the average regular pay for a specific period immediately preceding retirement, with a minimum monthly allowance. It will thus be seen the bases of retirement are age and service, with allowance proportioned to pay received during a designated period preceding retirement.

For such employees members of the relief fund as may be retired by the company, it is proposed to grant to them from the interest on the relief fund surplus an additional allowance on a fixed basis in proportion to the amount they contributed while a member of the relief fund, so that each member retired by the company will receive this additional allowance because of his membership in the relief fund, and it will be paid from the interest on the surplus from the operations of that fund.

In addition to this, the relief fund, through its advisory committee, proposes to amend the regulations of the relief fund in order to make general provision for all its members, so that, in case of sickness or disability, benefits on account thereof will be continued at one-half rates, irrespective of the duration.

The relief fund, the expenses of the operation of which, together with any deficiency arising therefrom, are met by the company, affords every employee physically qualified and within the proper age limit an opportunity to make such provision as will insure for himself benefits in case of sickness or disability, during the entire duration thereof, and, in case of retirement by the company, a superannuated allowance

in addition to the pension of the company, and to his beneficiaries benefits in case of death.

The object that has been attained by the pension feature is to grant every employee an opportunity to provide for himself in case of sickness, disability, or death, through the medium of the relief fund—which is cooperative and supported jointly by the employees members thereof and the company—and when the retirement age is reached the company to reward by granting a pension allowance, in addition to what he will receive from the relief fund, to which he has contributed, in the shape of a superannuation allowance on a fixed basis in proportion to the amount he contributed while a member of the relief fund.

A very important feature is the protection afforded the pension fund through the purpose of the company to fix an age limit for admission to the company's service, provision in this respect being that from and after January 1 next no person shall be employed who is over 35 years of age or who can not pass the required physical examination, except that former employees desiring reinstatement may be permitted to reenter the service at the discretion of the board of officers, provided, however, they meet the requirements of physical examination and possess other necessary qualifications; also, that the temporary employment of men, regardless of age limit and physical condition, shall be permitted for a period not exceeding six months, subject to requisite extension, when engaged upon temporary work.

The necessity for action of this character is requisite for the reason that the company will then have in its service only men who, if they desire, may become members of the relief fund and in this manner make preparation for any illness to which they might be subjected in the future, or accident that might befall them. In this way every member is afforded an opportunity to make provision for himself during his early service with the company, when it has not yet received from such employee service, both in length and quality, that would entitle him to special consideration at the hands of the company in case of inability to perform his daily labor.

The year 1900 being the first of its existence, naturally brought before the board of officers in charge of the department many vital questions for discussion and decision, involving points bearing upon the regulations of the department, and features tending to such improvements as were made necessary by practical experience, in addition to disposing of the regular routine of business.

In accordance with the provision made under the regulations, a plan was adopted for the appointment monthly, by the chairman of the board of officers, of medical examiners of the company's relief fund, to serve as boards of physicians of the pension fund, with the duty assigned them, of making physical examinations of such employees between 65 and 69 years of age, 30 or more years in the service, and who were physically incapacitated for the performance of further active service, and who either made personal request for retirement, or who were recommended therefor by their employing officers.

In order to meet conditions brought about by the lease of the Western New York and Pennsylvania Railway and Allegheny Valley Railway companies by the Pennsylvania Railroad Company during the past year, amendments were adopted, effective from January 1, 1901, which provide for extending to the employees embraced in the Buffalo and Allegheny Valley Division, all the advantages of the pension department. Amendments were also adopted, granting employees in the

computation of the pension allowance, credit for any time passed in the service of the Pennsylvania lines west of Pittsburg and Erie. This service, in not a few cases, added to the pension allowance already granted employees, an additional sum, besides making the provision of the department replete in the fact that it covers the employees on the entire system east of Pittsburg and Erie, and their service on the system east and west.

There was authorized to be paid in pension allowances during the year, the sum of \$244,019.97, which expenditure was borne entirely by the associated companies, in addition to the cost of operation of the department.

The retirements during the year numbered 1,292, 89 per cent of whom, or 1,149, were 70 years of age or over, and 11 per cent, or 143, between 65 and 69 years old; of the latter 83 were retired at their own request on the recommendation of their employing officers, the remainder, 60 in number, purely upon the recommendation of their employing officers; 102 pensioners died during the year, 95 of whom were of the 70 year or over class and 7 of the 65 to 69 year class.

The Chicago and Northwestern pension department is modeled very closely on that of the Pennsylvania Railroad. It was introduced January 1, 1901. All employees who have attained the age of 70 and have been 30 years in the service must be retired with pension, with the exception of executive officers appointed by the board of directors, for whom it is not mandatory. Employees between the ages of 65 and 69 inclusive may be retired upon the request of their superior officers or upon their own applications. The pension allowances are calculated on the same basis as in the Pennsylvania relief scheme. The results, of course, are as yet meager, but on June 21, 1901, the secretary of the pension board reported that 44 employees had been retired on account of age and 22 for physical disability, also that the aggregate monthly allowances were \$1,450.25 and the average monthly pension \$21.97. The company does not have any relief department, but has carried various persons on their pay rolls in cases where their services have been such as to deserve recognition. This practice is continued.

The Illinois Central Railroad established a pension department April 24, 1901, which went into effect July 1, 1901. It is the most recent of the experiments in this direction. Its general plan is seen very clearly from the following circular or announcement as sent out from the office of the president:

#### THE ILLINOIS CENTRAL RAILROAD PENSION DEPARTMENT.

RULES AND REGULATIONS ADOPTED BY THE BOARD OF DIRECTORS APRIL 24, 1901,  
EFFECTIVE JULY 1, 1901.

Pursuant to the action taken by the board of directors of the Illinois Central Railroad Company at and subsequent to their meeting held February 21, 1900, in respect to a system of pensions, for the purpose of enabling employees of this company who have rendered it long and faithful service to retire when they have attained

an age necessitating relief from duty, the following rules and regulations governing the organization of a pension department are hereby established:

1. The administration of the pension department shall be by a board of officers, to be known as the board of pensions. Such board shall, until otherwise ordered, consist of: Mr. C. A. Beck, Mr. W. J. Harahan, Mr. C. F. Krebs, Mr. William Renshaw, Mr. A. W. Sullivan, Mr. J. F. Wallace, Dr. J. E. Owens.

2. The office of the board of pensions shall be at Chicago.

3. All communications should be addressed to the secretary of the board of pensions.

4. The board of pensions shall, subject to the approval of the president, have power—

To make and enforce rules and regulations for the efficient operation of the pension department;

To determine the eligibility of employees to receive pension allowances;

To fix the amount of such allowances; and

To prescribe the conditions under which such allowances may inure.

They shall make rules for their own government not inconsistent with these regulations, elect a chairman from their own number, appoint a secretary, and from time to time, as required, make reports of their action to the president.

The actions of the board of pensions, when approved by the president, shall be final and conclusive.

5. The benefits of the pension system will apply to those persons only who have been required to give their entire time to the Illinois Central Railroad Company or to that company and some other railroad company or companies jointly. In cases of such joint employment the pension to be paid by this company shall be estimated alone upon the proportion of average monthly pay received from this company. The pension system will not apply to the law and surgical departments.

6. All officers and employees who have attained the age of 70 years shall be retired. Such of them as have been 10 years in the service shall be pensioned.

7. Locomotive engineers and firemen, conductors, flagmen and brakemen, train baggagemen, yard masters, switchmen, bridge foremen, section foremen, and supervisors who have attained the age of 65 years may be retired.

Such of them as have been 10 years in the service shall be pensioned when retired.

8. Officers and employees between 61 and 70 years of age, who have been 10 years in the service and who have become incapacitated, may be retired and pensioned.

9. In case an employee between 61 and 70 years of age claims that he is, or should his employing officer consider him incapacitated for further service, he may make application or be recommended for retirement, and the board of pensions shall determine whether or not he shall be retired from the service.

Physical examination shall be made of employees recommended for retirement who are under 70 years of age, and a report thereof with the recommendation of the chief surgeon shall be transmitted to the board of pensions for consideration in determining such cases.

10. Retirement shall be made effective from the first day of the calendar month following that in which the persons shall have attained the specified age, or from the first day of a calendar month to be determined by the board of pensions.

11. The terms "service" and "in the service" will refer to employment upon or in connection with any of the railroads operated by the company, and the service of any employee shall be considered as continuous from the date from which he has been continuously employed upon such railroads, whether prior or subsequent to their control or acquisition by the Illinois Central Railroad Company.

12. In computing service, it shall be reckoned from the date since which the person has been continuously in the service to the date when retired.

Leave of absence, suspension, dismissal followed by reinstatement within one year, or temporary lay off on account of reduction of force, when unattended by other employment, is not to be considered as a break in the continuity of service.

Persons who leave the service thereby relinquish all claims to the benefits of pension allowances.

13. The pension allowances authorized are upon the following basis:

For each year of service an allowance of 1 per cent of the average regular monthly pay received for the 10 years' preceding retirement. Thus, by way of illustration: If an employee has been in the service for 40 years and has received on an average for the last ten years \$50 per month regular wages, his pension allowance would be 40 per cent of \$50, or \$20 per month.

14. The sum of \$250,000 is hereby set apart as a pension fund, in addition to which the company will, in each year, make a further appropriation of an amount not to exceed \$100,000 in payment of pension allowances for such year.

Whenever it shall be found that the basis of pension allowances shall create demands in excess of the \$250,000 and an annual appropriation of \$100,000, and as often as such condition may arise, a new basis ratably reducing the pension allowances may be established to bring the expenditures within the limit of the fund, and the decision of the board of directors in establishing such new basis shall be absolutely conclusive. Notice of such new basis shall be given before the beginning of the year in which it may be decided to put the same into effect.

15. When pension allowances shall be authorized, pursuant to these regulations, they shall be paid monthly, during the life of the beneficiary; provided, however, that the company may withhold its allowance in case of gross misconduct on his part.

16. In payment of pension allowances, pay rolls, showing the names of those to whom allowances have been made and the amount of such allowances, shall be prepared at the close of each month by each superintendent or other designated officer, who shall certify to their correctness and forward the same to the auditor of disbursements, who will after verification send them to the board of pensions for certification by the secretary and chairman; and thereafter through the usual channels for payment.

17. It shall be the duty of every employing officer to report at once, through the usual channels, to the board of pensions, all employees who in July, August, or September, 1901, shall have attained the age of 70 years, and of those employees specified in rule 7 who shall have attained the age of 65 years; and thereafter, at least three months in advance of the date of retirement, all employees about to attain the requisite age for consideration for a pension allowance.

18. Each officer charged with the duty of preparing the pension rolls must keep himself advised of the whereabouts of employees who have been retired from the service and promptly advise the secretary of the board of pensions, through the usual channels, when any of them cease to be entitled to further pension allowances. When they do not reside within the jurisdiction of the officer of the department in which they were engaged before being retired from the service, such officer shall require satisfactory evidence from such employee, at least once a year, and oftener as may be required, showing that he is entitled to a pension allowance.

19. To the end of preserving direct personal relations between the company and its retired employees, and that they may continue to enjoy the benefit of the pension system, no assignment of pensions will be permitted or recognized.

20. The acceptance of a pension allowance does not debar a retired employee from engaging in other business, but such person can not reenter the service of the company.

21. No person inexperienced in railway work over 35 years of age, and no experienced person over 45 years of age, shall hereafter be taken into the service; provided, however, that in the discretion of the president, persons may temporarily be taken into the service irrespective of age for a period not exceeding six months, and that this period may be extended, if necessary, to complete the work for which such persons were originally employed; provided, also, that, with the approval of the board of directors, persons may be employed indefinitely, irrespective of the age limit, where the service to be rendered requires professional or other special qualifications.

22. Neither the action of the board of directors in establishing a system of pensions, nor any other action now or hereafter taken by them or by the board of pensions in

the inauguration and operation of a pension department, shall be construed as giving to any officer, agent, or employee of the company a right to be retained in its service, or any right or claim to any pension allowance; and the company expressly reserves its right and privilege to discharge, at any time, any officer, agent or employee when the interests of the company, in its judgment, may so require, without liability for any claim for pension or other allowance than salary or wages due and unpaid.

23. These rules and regulations shall take effect July 1, 1901.

By order of the board of directors:

STUYVESANT FISH, *President.*

CHICAGO, April 24, 1901.

W. G. BRUEN, *Assistant Secretary.*

This same pension plan has also been adopted for the Yazoo and Mississippi Valley Railroad, which is an independent corporation operating over a thousand miles of line, but is practically owned and controlled by the Illinois Central Railroad Company. In the case of the Yazoo and Mississippi Valley Railroad Company the sum of \$50,000 is set apart as the pension fund, whereas \$250,000 is set apart for the Illinois Central, and the company agrees to make a further appropriation not to exceed \$20,000 per annum, whereas the Illinois Central Company agrees to appropriate \$100,000 per annum. This plan also went into effect at the same time as that on the Illinois Central.

These pension features of the several railroads mark a distinct forward step both with respect to what great industrial corporations are doing for their employees and are willing to do, and in the inevitable trend of events which are cementing the interests of employers and employed into a corporate business in which employees are financially interested beyond the extent of their wages-contract.

## PERSONAL RELATIONS OF RAILWAY EMPLOYER AND EMPLOYEE.

### THE GENERAL CONDITION OF RAILWAY LABOREERS AS REFLECTED IN THEIR ORGANIZATIONS.

Labor is usually held to be a quasi-public service, and therefore in many important respects the railway laborer has a somewhat different legal status from that of the laborer in other occupations. Notwithstanding this fact the railway laborers of the country have met most of the problems and difficulties common to all classes of labor before they arose elsewhere, and have dealt with them successfully. Thus, in the matter of organization alone, several grades of railway labor are in a more flourishing condition to-day than most other groups of workers in the country. They are recognized by their employers, who make with them formal contracts, and in other ways recognize the validity of the trade-union principle. Several of the brotherhoods or orders of railroad men are very conservatively and wisely managed, and are of well-recognized service both to employers and employees. A spirit of solidarity, an earnest effort to improve the quality of service, and a wholesome mutual restraint, quite essential to men subject to many of the peculiarities of railway employment, are some of the

results that have been accomplished in such organizations as the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, and other similar organizations. Abundant testimony before the Industrial Commission from railway officials bears out these statements. (a)

It is interesting to note the recent growth in numbers in the organizations of railway employees, and to compare the total membership in organizations in the several branches of service, with the total number of such employees in the United States. The statistical data for this comparison are available; the reports of the Interstate Commerce Commission giving with a fair degree of accuracy the total number of railway employees by grades of service, made up from the pay rolls of the railroad companies of the country, and the brotherhoods reporting at their annual conventions their total membership. Of course some allowance must be made for men excluded by the conditions of membership. The following table, however, not only shows the relation which the organized employees in the several grades of service bear to the total number, but also the variations in this relation from year to year. The engineers, conductors, and firemen, as will be seen from this table, are best organized. For these three grades, at least, the standards set by their organizations are practically the standards with respect to wages, qualifications, and regulations concerning work performed for the total labor force in these departments of railway service. The railway trainmen are not so well organized, although they have been gaining in the relative strength of their organization. The telegraphers are weak in organization.

MEMBERSHIP OF BROTHERHOODS COMPARED WITH THE TOTAL NUMBER OF RAILWAY EMPLOYEES IN EACH BRANCH OF SERVICE, 1890 TO 1900.

Brotherhood and occupation.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
Membership of Brotherhood of Locomotive Engineers.....					32,023	31,004	30,309	31,723	33,723	33,786	35,010
Total number of enginemen.....					35,466	34,718	35,851	35,667	37,939	39,970	42,837
Membership of Order of Railway Conductors.....	14,453	17,906	20,238	20,356	19,253	19,737	19,810	20,697	21,950	23,526	24,502
Total number of conductors.....	23,513	24,523	26,042	27,537	24,823	24,776	25,457	25,322	26,876	28,232	29,957
Membership of Brotherhood of Locomotive Firemen.....	18,657	22,460	26,256	28,681	26,508	21,408	22,461	24,251	27,089	30,748	36,084
Total number of firemen .....	34,634	36,277	37,747	40,359	36,327	35,516	36,762	36,735	38,925	41,152	44,130
Membership of Brotherhood of Railroad Trainmen.....	14,057	20,409	24,431	28,540	22,359	19,083	22,326	25,366	31,185	37,220	43,500
Total number of trainmen .....	61,731	64,537	68,732	72,959	63,417	62,721	64,806	63,673	66,968	69,497	74,274
Membership of Order of Railroad Telegraphers.....											8,200
Total number of telegraphers .....											25,218

<sup>a</sup> See Report of the Industrial Commission, Volume IV, Transportation.

The right of organization is questioned less in railway service than in many departments of labor. The beneficiary feature of railway men's organization, so essential in a hazardous occupation and so prominent a feature from the beginning of all the organizations of railway employees, has rather led to their encouragement by employers. Of course, some railway companies refuse to deal with the organizations, or with their own employees through their organizations, but even in these cases practically all the employers have agreed substantially to the conditions set by the organizations. Of 38 railroad companies which replied to the direct question whether they made any objection to employees being members of railway brotherhoods or orders or of other labor organizations, 37 replied that they did not. In 3 cases this answer was modified somewhat by a statement to the effect that so long as an employee attended to his work and did not make himself offensive or less efficient because of his membership in a labor organization no objection was made. These 37 roads operate 102,453 miles of line and employ 511,482 men. One company not included in the above list is a little more pronounced in its position, and replied by saying: "Secret organizations, etc., are not recognized by the company, and in the adjustment of any differences between the company and its employees the latter are treated with directly as employees of the company and not as members of any organization." This statement is perhaps no more inimical to the interests of labor organizations than the actual practice of many of the roads which replied in more favorable terms. The officers of 40 of the leading railroads of the country were asked what percentage of the men in the various grades of service in the employ of each corporation belonged to labor organizations. Twenty-eight of the companies replied that they had no record or no means of knowing. Twelve replied as follows:

1. Enginemen, firemen, conductors, brakemen, 80 per cent; machinists, carpenters, etc., 70 per cent; agents and operators, 60 per cent; clerks, none.
2. Trainmen and switchmen, 90 per cent; other classes, 20 per cent.
3. A large majority of those employed in train service; a very small percentage of other employees.
4. Can only estimate it at about 75 per cent in train service, about 10 per cent in the mechanical department, and unknown in the maintenance-of-way and engineering departments.
5. Have no means of knowing, but should judge about 85 per cent of enginemen and firemen, 75 per cent of brakemen, and 50 per cent of conductors and shopmen.
6. In the transportation and machinery departments a large proportion of our men are known to belong to the Order of Railway Conductors, Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen, but very few of our men belong to any other labor organizations. We have no means of knowing the exact percentage. In the road department a very small number of our trackmen belong to the Brotherhood of

Railway Trackmen of America, but this number is so small as scarcely to deserve mention. We have no means of knowing positively how many of our men do belong to labor organizations.

7. Twenty-five per cent of the men in the operating department. Practically all engineers and firemen belong to the brotherhoods of locomotive engineers and firemen, respectively. Probably 80 per cent of the shopmen belong to labor organizations.

8. It is impracticable to state what percentage of our men are members of labor organizations; probably not more than 4 or 5 per cent of the total number of employees.

9. Seventy-four per cent other than laborers.

10. In the maintenance-of-way department few, if any, employees belong to labor organizations. Some shop employees have joined various unions, but the majority of the brotherhood employees are found in the train and station service. We offer no objections to the men joining these brotherhoods, and keep no statistics showing how many of the men are members.

11. Number not known; estimated about 25 per cent.

12. No inquiry has ever been made on the subject, and figures can not be given, but the number varies considerably in the different grades of service. Engineers, firemen, conductors, and brakemen belong very generally to their respective brotherhoods, and in other lines of service to a less extent.

The above twelve replies represent railroad companies operating 31,420 miles of line and employing 138,996 men. The percentages indicated in most of these replies are doubtless estimates merely, not based on actual records, but they are the estimates of employing officers who have a pretty intimate knowledge of their men, and they are of interest when compared with the figures in the table quoted above.

The condition of the organizations themselves, as reported in the testimony of the chiefs of the several brotherhoods, (a) show that these organizations are in a flourishing condition and all of them growing in numbers and relative strength in the several occupations. The various attempts at federation of the brotherhoods into a still larger and stronger organization of railroad men have thus far failed. A plan of system federation, known as "The Cedar Rapids Plan," was adopted in 1895. The articles of federation then agreed upon are as follows:

#### THE ARTICLES OF FEDERATION OF THE CEDAR RAPIDS PLAN.

SECTION. 1. On any system of railway, the members of any of the following-named organizations, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and Order of Railroad Telegraphers, may federate, through their general committees or boards of adjustment as hereinafter provided, for the purpose of adjusting any complaint which may be presented in accordance with the laws of the organization aggrieved.

<sup>a</sup> See Report of Industrial Commission, Volume IV, pages 140 to 144 of digest, and pages 7 to 44, 45 to 55, 109 to 128, 141 to 144, and 525 to 531. See also especially the testimony of Mr. H. R. Fuller, legislative representative of five brotherhoods, in Volume IX.

SEC. 2. A copy of these articles duly signed by the authorized representatives of each of the organizations represented in the federation of any system, accompanied by a certified statement from the chairman and secretary of the general committee of each organization that these articles have been adopted by a two-thirds vote of the members of the organization, employees of that system, shall be forwarded to the chief executive of each organization and receive his approval before becoming effective, and no member of this organization shall engage in, or be a party to, any federation or alliance except as herein provided.

SEC. 3. In event of any general committee or board of adjustment failing to adjust a complaint in accordance with the laws governing their organization, the secretary of such general committee or board of adjustment shall forward to the chief executive of the organization interested, signed by the committee, a full and complete statement of the complaint and action taken. When directed (in person, by writing, or by telegraph) by the chief executive officer of the organization, copies of this statement, with notice of time and place of meeting, shall be forwarded by the secretary to the chairman of the general committee or board of adjustment of each organization party to the federation.

SEC. 4. The chairman of any general committee receiving statement as provided in section 3 from the chairman and secretary of any general committee representing any organization participating in the federation, shall answer such call in person, meeting the others at such time and place as is designated, and, when so convened, the several general chairmen shall constitute the general federated committee of that system, and shall proceed to organize by the election of a chairman and secretary, who shall serve until their successors are duly elected. After such organization they shall, if they approve the complaint, exert every honorable effort to adjust the same.

SEC. 5. When the federated committee have, after exhausting all honorable efforts, failed to adjust the complaint referred to them, and when the chief executive officer of the organization aggrieved is prepared to approve a strike, he shall immediately convene the chief executives of all organizations represented in the federation, and in the event of it becoming necessary to inaugurate a strike, the same shall be authorized only by a two-thirds majority of the federated committee and the consent of the chief executives of the organizations represented.

SEC. 6. Should a strike be inaugurated, the chief executive of the organization aggrieved shall be the recognized leader, and shall have power to declare the strike off with the consent of the general federated committee, together with the approval of the chief executives of the organizations embraced in the federation, as provided in section 5.

SEC. 7. The expenses incurred in the settlement of any complaint (or in case of a strike) shall be paid by each organization in accordance with the provisions of their respective constitutions and by-laws.

SEC. 8. Any organization that is part of this federation failing to comply with the rules and regulations contained herein shall not receive any support or recognition from any organization embraced in this federation on the system upon which the violation occurs; but no organization will be deprived of the benefits of this federation by reason of the acts of its representatives, or its individual members, until such time as they have approved of the action by failure to discipline the parties at fault, and then only, after proper trial and conviction, by a two-thirds vote of the federated board, subject to an appeal to the executives of the organizations parties hereto.

SEC. 9. If a federation is formed on any system which does not include all the organizations herein named, the others shall be eligible to membership, and may file application for such membership with the secretary of the federated board. Upon receipt of such application he will forward the same to the chairman of each general committee, party to the federation, who will in turn submit it to his associates. Upon receipt of the vote of his associates he shall file with the secretary of the federated

board the vote of his organization in accordance therewith, and the organization applying for membership shall be admitted if a majority of the organizations party to the federation vote in favor of such admission.

SEC. 10. These articles may be revised, altered, or amended by the executives of the organizations parties hereto.

E. P. SARGENT,

• *Grand Master Brotherhood of Locomotive Firemen.*

P. M. ARTHUR,

*Grand Chief Engineer Brotherhood of Locomotive Engineers.*

E. E. CLARK,

*Grand Chief Conductor Order of Railway Conductors.*

S. E. WILKINSON,

*Grand Master Brotherhood of Railroad Trainmen.*

W. V. POWELL,

*Grand Chief Telegrapher Order of Railroad Telegraphers.*

This plan of federation was regarded at the time of its adoption as a necessary first step toward a more ambitious scheme by which the leading brotherhoods could be brought together for united action. There was also a conservative idea in the minds of those who wanted to see the brotherhoods federated in that the stronger ones could exercise more control over the newer and weaker ones and possibly prevent some disastrous or ill-advised strikes. At the biennial convention of the conductors, firemen, trainmen, and telegraphers in 1897, delegates were appointed to confer together as a committee representing these brotherhoods with a view to taking the necessary steps to form a more perfect federation. This committee met at Peoria, Ill., October 12, 1897, and adopted the following articles of federation, constituting the Federation of American Railway Employees, which was subsequently ratified by the several brotherhoods and went into effect April 1, 1898:

#### ARTICLES OF FEDERATION OF THE FEDERATION OF AMERICAN RAILWAY EMPLOYEES.

SECTION 1. When ratified by the proper authority in four or more of the following-named organizations, Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and Order of Railroad Telegraphers, and so certified by the executives of those organizations, an alliance for the mutual advancement and protection of the interests of the railway employees of America, to be known as the Federation of American Railway Employees, and to be governed by the following rules, will be formed and in effect:

SEC. 2. If the federation is formed between four of the organizations named, the fifth will be admitted upon filing with the secretary of the executive committee notice of their ratification of the plan and desire to become a member.

SEC. 3. No organization participating in this federation shall be or become a part of any other federation, organization, or alliance of railway employees while holding membership in this one.

SEC. 4. The affairs of the federation which do not involve or pertain to the interests of the employees of any particular or individual railway company shall be conducted by an executive committee composed of the chief executive officer of each organization party to the federation or one of his associate officers duly authorized to represent him.

This executive committee shall organize by the election of a chairman, a vice-chairman, and a secretary. A full representation of the organizations must be present to constitute a quorum.

SEC. 5. The influence of this federation may be used through its executive committee in favor of or in opposition to national legislation which involves the interests of the membership, and upon which the committee are fully agreed. Where circumstances will permit, the opinion of the membership in general will be secured before action is taken.

State or provincial legislative matters will be left to State or provincial committees.

SEC. 6. Each organization party to this federation shall have regularly established local and general grievance committees or boards of adjustment on each system of railway, as provided in their laws.

The chairman and secretary of each general committee or board of adjustment for the system, together with the executives of the organizations or their duly appointed associate officers, shall constitute the federated board for that system of railway.

Each organization shall handle its own grievances and those of its members under its own laws up to such time as it has exhausted its efforts. When the general committee or board of adjustment and its chief executive or his legal representative have failed to reach a satisfactory adjustment of any matter properly in their hands, and it is deemed by them proper to proceed further, a full statement of the matter, of all steps taken, the exact condition existing at the time the statement is made, and description of any settlement which it is possible for the committee to make, shall be printed and handed to each member of the organization, with a blank coupon or vote in the following form:

(Name of organization) ——.

(Date) ——.

(Name of chairman) ——, Chairman General Committee (or board of adjustment) of the (name of organization) —— for the —— Railway:

I have read the statement of case in your hands bearing date of —— and I hereby cast my vote (member voting will write the word "for" or "against") a strike in order to adjust said complaint, providing the same shall be approved by the proper authority in our organization and by the federated board.

Signature, —— ——.

This vote will be placed in a sealed envelope by the member voting, and be handed to the committeeman authorized to receive it. When the poll is complete it shall be canvassed by the general committee and the chief executive of the organization, or by a subcommittee appointed by the general committee and some person duly authorized to represent the chief executive. Ballots will be preserved and laid before the federated board if it is convened.

When the executive of the organization has the vote of two-thirds of his members employed on the system in favor of a strike, and is ready to approve such strike under the laws of his organization, he may call upon the chairman of the executive committee to convene the federated board. The chairman of the executive committee will notify each of the chief executives, setting time and place of meeting, and each executive officer will notify the chairman and secretary of the general committee of his organization of that system to attend such meeting of the federated board.

When the federated board has been convened, the officers and the chairman and secretary of the committee of the aggrieved organization shall present a full and detailed statement of the trouble from its origination and all steps taken, together with the results reached. After hearing such statement the federated board will decide by a majority vote of its members whether or not they consider the complaint a just one, and if they approve it they shall wait upon the managing officers of the road, by committee or in a body, and make reasonable efforts to adjust the matter.

If no settlement acceptable to a majority of the members of the federated board can be reached, the question of a strike shall be considered. Each organization shall have one vote on this question, and that vote shall be determined by the three representatives of that organization, the affirmative vote of the executive officer and one other member being necessary. If each organization votes in favor of a strike, a strike on part of the members of all the organizations party to the federation employed on that system will be declared by the executives at an hour fixed by them, and every member employed on that system of railway shall respond promptly thereto.

No member of any organization party to this federation shall engage in any strike of railway employees which is not sanctioned by this federation in accordance with this section.

SEC. 7. In the event of a strike the executive committee of the federation shall be the recognized leader.

SEC. 8. If a strike is declared by this federation, it may be declared off at any time by the federated board by the same vote by which it was sanctioned. After a strike has been in progress for a period of two weeks, if the federated board can not agree as to declaring it off, the disputed point shall be submitted to the chairmen of the boards of trustees or executive committees of the organizations (one from each organization), who shall have authority to decide it by a majority vote of their number.

SEC. 9. In the event of its being impossible for any chairman of the general committee to attend a called meeting of federated board, he shall promptly so notify the vice-chairman, if one there be. If the chairman and vice-chairman are unable to attend or if the secretary is unable to be present, the chairman shall designate a member of that committee to fill the vacancy. If the chairman and vice-chairman are unable to act or appoint members to fill the vacancy, this duty will devolve upon the secretary of the committee.

SEC. 10. In carrying out the provisions and requirements of these articles, each organization will pay the expenses of its own representatives and members in accordance with its own laws.

SEC. 11. Each organization party to this federation will be required to see that its members and officers comply with all the requirements of these articles. If any organization neglects or refuses to discipline any of its officers or members who may be guilty of violating these rules, such organization will be summoned by the executive committee to appear, through its officers, before the trial board for trial.

The trial board shall consist of the chief executive, and two associate officers of each organization party to the federation, excepting the one on trial. A two-thirds majority vote of the trial board shall be necessary to convict.

An organization convicted under this section may be suspended for a stated time, or expelled from the federation. The vote shall be first taken on expulsion, and if less than a majority vote for expulsion the organization shall be suspended for a time fixed by a majority vote of the trial board.

SEC. 12. An organization not under charges may withdraw from membership in the federation by filing with the secretary of the executive committee notice in writing, signed by its chief executive officer and grand secretary, and over seal of its grand division or grand lodge, of its desire to withdraw at the end of sixty days from the date of filing notice. The secretary of the executive committee shall, upon the receipt of such notice, immediately notify all members of the executive committee of its receipt; and no withdrawal shall be effective until the expiration of said sixty days from the date upon which notice is received by the secretary of the executive committee. Until the withdrawal is effective the organization shall be amenable to all the provisions of these articles.

SEC. 13. These articles may be amended by a unanimous vote of the executive committee of the federation.

While this national federation worked well for a time, it did not satisfy the more radical members and leaders of some of the brotherhoods, and it did not survive the first serious strain put upon it. When, in 1899, the grievances of the railroad trainmen against the Pittsburgh yard roads were not approved by the executive committee of the federation and the trainmen not allowed to institute a strike, they withdrew from the federation, and were soon followed by the Order of Railway Conductors and the Order of Railroad Telegraphers, which resulted in the dissolution of the federation on January 18, 1900. A circular letter, dated February 1, 1900, announcing the dissolution, stated that—

It may safely be said that one of the prime reasons for its failure to work out what was hoped from it is that the sentiment among the membership which is necessary to the satisfactory working of such a plan is not sufficiently general to insure that result. An alliance between organizations under which the aid of the organizations party to the alliance is proposed to be exercised in behalf of any one of those organizations, in order to be entirely successful, must be supported by a spirit of willingness to sacrifice considerable of self-interest, if need be, in order to advance the interests of the whole, or in order to establish a principle, even though just at that moment it may have no direct bearing upon the aggrieved organization. The federation was intended as a supreme court on the matter of grievances within organizations party to the federation, and if the extreme provided for in its rules became necessary, it was intended to be a supreme test of the strength of the united organizations.

The dissolution of the national federation left the Cedar Rapids plan of system federation still in force, and all of the brotherhoods party to the national federation have since specifically called the attention of their members to the fact that system federation under the Cedar Rapids plan is still available. They have also expressed the hope that this will at some future time again lead to another and more successful attempt at national federation. The Brotherhood of Locomotive Engineers, which is the strongest and probably the best managed of all railroad employees' organizations, did not enter the national federation and is still opposed to any such idea. The reasons for this position were stated most forcibly by the grand chief of the Brotherhood, Mr. P. M. Arthur, who, in his testimony before the Industrial Commission, said, when asked why he did not believe in the principle of national federation:

I am not willing to delegate the power and authority to a conductor, a telegraph operator, a fireman, or a brakeman to say whether the engineers shall quit work or not. I want that question to be decided by engineers, not by anybody else. That is one of my principal reasons. Another reason is, the moment you federate you lose your identity as an organization. No matter how you may do it, the public

will look upon it that you have become a part of the federation, and you will be known then as the American Federation of Railway Employees only; there will be no Brotherhood of Locomotive Engineers, or Brotherhood of Locomotive Firemen, or Order of Railway Conductors, or Order of Railway Telegraphers. I may be mistaken. We are the pioneers in the work of reformation among railway men. For years we were the only organization that claimed to be a protective organization. For 22 years the Order of Railway Conductors was known as a nonprotective organization; the same way with the Brotherhood of Locomotive Firemen up to 1885; and for 30 years we went right along adjusting our grievances, making agreements with the companies without the aid or assistance of anybody. We have treated everybody well so far as we knew how, and I never could understand, and I do not know to-day, why it is necessary for the locomotive engineers to federate with others. For what purpose? Might never made right. Some, however, advance this argument: If a delegation representing every branch of the service walks into the office of the general manager he would not dare say no. Well, that remains to be seen. I do not believe that we ought to win by resorting to coercive measures, nor do I believe you would be received in the same spirit if you would approach him in that coercive way. Again, it may be selfish, but federation would mean that each organization would have to spend its time and money in adjusting other people's differences. Personally I have always been opposed to it, and there has never been any argument advanced by anyone to convince me that it was necessary for the Brotherhood of Locomotive Engineers to federate with the organizations for its future good.

Most of the brotherhoods object to incorporation on the ground that each individual member of the organization could then be sued for acts of the organization. The finances of the organizations are, in the absence of incorporation, protected by requiring bonds from the financial and other officers, and the insurance departments of some of the brotherhoods, notably that of locomotive engineers, are incorporated as independent organizations. The grand chief of the railway conductors stated in his testimony before the Industrial Commission that he saw no objection to incorporation and believed that in time the idea of incorporation would meet with general approval by the membership of the brotherhoods. It is interesting to note that in the case of most of the brotherhoods there has been no conflict with employers on the question of the employment of nonunion men. The engineers have not objected to the employment of nonunion men, and Mr. Moseley, secretary of the Interstate Commerce Commission, in his testimony before the Industrial Commission, stated that the railway brotherhoods showed no antagonism toward railway men who do not belong to the organizations. Most of the brotherhoods have large protective funds, which are, however, in some cases a necessary part of the financial strength of the brotherhood in its beneficiary features, and are therefore used conservatively.

The organizations of railway employees are numerous, and especially among the higher grades of service. Among the officials there are a large number of educational associations whose members meet together for frequent conference and discussion of topics relating to their several departments of work. Many of these have also a strong social feature. Railway clubs exist in most of the large cities which are railroad centers. Seven or eight of the more important of these clubs, such as those in New York, Chicago, Buffalo, Boston, and St. Louis, have a combined membership of over 2,500. Their members meet monthly to discuss technical questions relating to railroad operations, and most of the clubs publish proceedings. Their membership, however, is composed almost entirely of the higher officers in the mechanical and operating departments. Other organizations, such as the Association of Railway Telegraph Superintendents, the Passenger and Ticket Agents' Association, the Freight Claim Agents' Association, the Master Carbuilders' Association, the Master Mechanics' Association, the Road Masters' Association, etc., reach a number of the higher grades of employees. Outside of the subordinate lodges of the brotherhoods there are few organizations that reach the rank and file of railway employees. The tendencies, however, in all of these organizations is toward the cultivation of greater efficiency in the service and toward the weeding out of incompetent men and the strengthening of weak men. The employers of railway labor have generally recognized that while the organizations of railway employees are not always as conservative as they might desire, they have on the whole had, up to the present time, a stronger educational influence than labor organizations generally have, and that they have in them the promise of greater development in this direction. This conclusion is also in part substantiated by the rapid collapse of organizations not based on the trade-union principle.

#### THE EMPLOYERS OF RAILWAY LABOR.

The railroad companies, by reason of the nature of the quasi-public service which they perform, must needs give more careful consideration to the question of the relations they sustain to their employees than is necessarily the case in other occupations. A railroad can not shut down the plant because of some dispute with its men as might be done without public censure by a manufacturer. Railroad companies have, therefore, not merely developed an efficient system of recruiting employees, but they have necessarily developed an efficient system of supervision, inspection, and retention of their men. A few of the leading efforts of railway employers to improve the service and to promote the spirit of contentment among their men may be discussed here under the headings: (1) Educational efforts to improve the service, and (2) aids to industrial betterment of the personnel of the service.

## EDUCATIONAL EFFORTS TO IMPROVE THE SERVICE.

Not as much is done in this direction on American roads as on European roads. Few American roads furnish directly any technical education for their employees, as is quite general on the European roads. Most roads, in the transportation department, have equipped instruction cars with the necessary apparatus and charts and these are moved about from place to place and the men required to familiarize themselves with their operations in order to pass examinations on the books of rules for promotion in the service. One company employing 32,000 men states that in its transportation and machinery department apprentices to the trades of machinist, blacksmith, boiler maker, tinsmith, carpenter, and painter are taken at the principal shops of the company and serve a term of apprenticeship therein of from three to four years, according to age, being released on attaining their majority. Some of the machinists' apprentices are given special instructions in mechanical drawing as a part of their apprentice course, but aside from the foregoing no technical education is furnished by the company. In connection with the drill of the men on the rules some technical education is necessarily offered by superior officers on most of the roads. One road employing over 10,000 men states that "in train service the technical education furnished by the company consists of special instruction to trainmen in regard to use of air brakes and air signals, for which purpose we have fitted up a car to be used especially in connection therewith. In reference to apprentices in shops, if special ability is shown they are promoted to our drawing office where they receive technical experience in mechanical engineering." Another company employing 14,700 men states that it encourages its employees to take tuition in the correspondence schools on favorable terms. Several companies furnish documents from time to time to their firemen and engineers with a view to encourage them to study for promotion in the service. Beyond these very general features little is done by the companies either to train men to enter the service or to train them while in the service for the higher grades, except as they receive such training through experience in the work of the lower grades. A few railroad officials have held their subordinate officials responsible for keeping the men under them at a high degree of efficiency by holding conferences at which various difficulties incident to the service are presented and the men individually questioned as to what they would do in the event of certain emergencies. Thus the Chicago, Burlington and Quincy Railroad has for years carried out this plan very generally on its system. The Reading and the Lehigh Valley do the same. Several roads furnish free reading rooms, and a few have traveling libraries for the general improvement of their employees. In recent years the Young Men's

Christian Association railroad department, has effected an organization on the more important roads, with headquarters at which reading rooms, libraries, and club house features are provided, and also a few elementary educational courses, some of them especially devised to meet the needs of railroad men. The first railroad branch of the Young Men's Christian Association was established in Cleveland in 1872; now there are 68 of these associations with organizations at over 150 division points and with a total membership of 37,000 railroad employees. To this work the railroad corporations now contribute annually over \$180,000. Of these associations 45 occupy entire buildings owned by the association, and 23 have buildings set apart by railroad companies or officials for the use of the association. Thirty-five of these associations reported in the year 1900 that they had educational classes in which 112 branches were being taught. In addition to the common school branches, frequently represented in the educational programmes of these associations, the following programme of one of the largest associations, located on the Pennsylvania system, may serve to indicate the extent to which such courses sometimes meet the particular needs of railway employment:

Air brake: Plant in operation and demonstrations on alternate Monday and Friday afternoons and evenings during October, and on Friday afternoons and evenings during the remainder of the season.

Steam heating: Model and cut sections provided; demonstrations given on alternate Monday and Friday afternoons and evenings during October.

Valve motion: Demonstrations with special models Monday afternoons and evenings during November.

Lubrication: Lectures on valve, engine, and machine lubrication Monday afternoons and evenings during December.

Injectors: Lectures—with models of Sellers' and Monitor injectors—Monday afternoons and evenings during January.

Signals and switches: Illustrated lectures Monday afternoons and evenings during February.

Coal and locomotive firing: Lectures Monday afternoons and evenings during March.

First aid to the injured: Lectures Monday afternoons and evenings during April. The instructors will be experts on these subjects.

The models, cut sections, charts, and other appliances will be at the service of all employees of the Pennsylvania Railroad Company for inspection daily, except Sunday, from 9 a. m. to 10 p. m. No fee charged for instruction or use of appliances.

#### AIDS TO INDUSTRIAL BETTERMENT OF THE PERSONNEL OF THE SERVICE.

Several railroad corporations have established savings funds, with a view to encouraging thrift, and providing a safe and easy method for their employees to invest their savings. One of the first, but not the largest of this sort, is that of the Baltimore and Ohio Railroad, which has also combined with it a loan feature, which is operated somewhat as a building and loan association fund. This savings fund was inaugurated August 1, 1882, and the prospectus announced its object to

be "The encouragement of habits of prudence, economy, and thrift by placing within the reach of every employee of the railroad company, upon the simplest and most advantageous terms practicable with proper security, all the benefits derivable from the safest and most liberal savings institutions of the country, and from the best conducted building societies." The depositors in this fund receive the actual earnings, and they are guaranteed by the company at least 4 per cent interest. Some account of the plan of operation and of the results in the earlier years are given in a previous article on Railway Relief Departments.(a)

During the whole history of the fund 7,569 accounts have been opened and 3,204 were in force on June 30, 1900, at which date the report for the last fiscal year thus noted showed the amount of deposits to be \$569,152.12 and the amount loaned during the year \$357,138.44. The total deposits since the establishment of the fund have been over \$4,000,000 and the amount loaned nearly \$3,000,000. The amount now due depositors is \$1,518,328.08 and the outstanding loans amount to \$990,202.53. Loans are made at the rate of 6 per cent per annum. The total amount loaned to employees has been expended in building 1,268 houses, buying 1,376 houses, improving 320 houses already owned, and releasing liens on 722 houses. The successful operation of the fund has enabled it to pay 5½ per cent interest to depositors for several years.

A still larger saving fund is that of the Pennsylvania Railroad Company, established by order of the board of directors November 16, 1887, by virtue of the following resolution:

*Resolved*, That this company will receive through such of its agents as the board of directors may from time to time designate, such portions of the wages or salaries of the employees as they may desire to leave with the company, and will repay the same with such interest thereon as may from time to time be fixed by resolution of the board, and in the manner and according to the methods which shall be in like manner prescribed.

The annual report of the Pennsylvania Railroad Company for the year 1900 showed a balance to the credit of the Employees' Saving Fund of \$2,717,709.03. The amount received from depositors during the year was \$774,589.12. The interest allowed on deposits was \$104,597.34. Of the assets of the fund \$2,835,000 was invested in securities bearing interest at an average rate of over 3½ per cent. The operating expenses of the fund, amounting for the year to \$4,953.38, were contributed by the Pennsylvania Railroad Company. The rate of interest at present paid by this fund is 3½ per cent. It was 4 per cent up to July 1, 1900. The agents at over 100 stations upon the lines east of Pittsburgh are designated as depositaries for the fund, which had at the close of the year 6,529 depositors.

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*a* See Bulletin of the Department of Labor, No. 8, January, 1897, page 50.

The Illinois Central Railroad has recently put into operation a plan for interesting its employees and also its patrons along the road in investing in the stock of the company on somewhat more advantageous terms than are enjoyed by the general public. A move in this direction was made in May, 1893. The company has put prominently before its employees a practical plan whereby they can save small sums of money from their wages and buy shares of the company's stock. The amounts are deposited with the company to be credited on the purchase of stock, to bear interest while so accumulating at the rate of 4 per cent per annum, and may be withdrawn at any time, with accrued interest, at the option of the depositor. The plan as now in operation was announced to the officers and employees of the railroad in the following circular sent out from the president's office under date of May 25, 1896:

#### ILLINOIS CENTRAL RAILROAD COMPANY.

PRESIDENT'S OFFICE, *Chicago, May 25, 1896.*

To OFFICERS AND EMPLOYEES OF THE ILLINOIS CENTRAL RAILROAD COMPANY:

Referring to my circular letter of May 18, 1893, outlining the plan for assisting employees of the company to purchase shares of its stock, it is with much gratification that I note their increasing desire to thus identify their interests with those of the company.

In order that the plan may be more clearly understood I present it herewith in greater detail.

On the first day of each month the company will quote to employees, through the heads of their departments, a price at which their applications will be accepted for the purchase of Illinois Central shares during that month. An employee is offered the privilege of subscribing for one share at a time, payable by installments in sums of \$5 or any multiple of \$5, on the completion of which the company will deliver to him a certificate of the share registered in his name on the books of the company. He can then, if he wishes, begin the purchase of another share on the installment plan. The certificate of stock is transferable on the company's books, and entitles the owner to such dividends as may be declared by the board of directors and to a vote in their election.

Any officer or employee making payments on this plan will be entitled to receive interest on his deposits, at the rate of four per cent per annum, during the time he is paying for his share of stock, provided he does not allow twelve consecutive months to elapse without making any payment, at the expiration of which period interest will cease to accrue, and the sum at his credit will be returned to him on his application therefor.

Any officer or employee making payments on the foregoing plan, and for any reason desiring to discontinue them, can have his money returned to him with accrued interest, by making application to the head of the department in which he is employed.

An employee who has made application for a share of stock on the installment plan is expected to make the first payment from the first wages which may be due him. Forms are provided for the purpose, on which the subscribing employee authorizes the local treasurer in Chicago, or the local treasurer in New Orleans, or the paymaster or the assistant paymaster to retain from his wages the amount of installment to be credited monthly to the employee for the purchase of a share of stock.

In case an employee leaves the service of the company from any cause he must then either pay in full for the share for which he has subscribed and receive a certificate therefor, or take his money with the interest which has accrued.

The foregoing does not preclude the purchase of shares of stock for cash. An employee who has not already an outstanding application for a share of stock on the installment plan which is not fully paid for, can in any given month make application for a share of stock for cash at the price quoted to employees for that month, and he can in the same month, if he so desires, make application for another share on the installment plan.

Employees who want to purchase more than one share at a time for cash should address the vice-president in Chicago, who will obtain for them from the New York office a price at which the stock can be purchased.

Any employee desiring to purchase stock (except in special purchase of more than one share for cash) should apply to his immediate superior officer or to one of the local treasurers.

STUYVESANT FISH, *President.*

This opportunity to become part owners in the property of the corporation has been availed of by all classes of employees. On June 30, 1900, 3,090 shares of the company's stock had been purchased and paid for under this plan, the average cost to the purchaser having been \$98.13 per share, the market price of the stock at that time being \$116 per share. Under date of October 29, 1900, the company reported that 211 employees had made partial payments on account of one share each, those payments aggregating \$7,951.80, or an average of \$37.69 on each share. Since the shares have gone above par on the market the buying under this plan has fallen off somewhat, probably for the reason that many of the employees have confused shares of \$100 each with a promise to pay that sum, and are therefore unwilling to pay more than \$100 for a share. The number holding shares under this plan has also decreased since the stock has gone above par by reason of certain holders selling out in order to take the premium and make a profit on their investment. Persons residing along the line have been recently encouraged to take small holdings of stock by virtue of the agreement of the company to carry registered holders of stock to Chicago and back free once a year at the time of the annual meeting. The company is therefore very well satisfied with the tendency to wider distribution of its stock in the hands of small holders, which it believes will promote the business interests of the company. An interesting statement, made at the time of the last annual meeting, September 26, 1900, showing the distribution of holdings of stock, is as follows:

The capital stock is \$60,000,000, divided into 600,000 shares of \$100 each.

This is represented by certificates for 599,949 full shares and scrip for fractions aggregating 51 shares.

The certificates are registered in the names of 6,941 different holders. One of these, the Administration Office, in Amsterdam, has held large blocks of stock for nearly forty years, against which it has outstanding its own receipts, or due bills, good to bearer, which are held by a very large but unknown number of individual proprietors in Holland. There

are registered in the name of the Administration Office 39,577 shares. This leaves 560,372 shares in the name of the remaining 6,940 stockholders, as registered on the company's books, the average holding being  $80\frac{74}{100}$  shares, or \$8,074.

There are in America 4,350 stockholders, owning 355,227 shares, being  $59\frac{21}{100}$  per cent of the whole.

In each one of the twelve States in which the company runs its trains we have a number of proprietors, ranging from 6 in Nebraska, who own 149 shares, to 879 in Illinois, who own 38,117 shares, or \$3,811,700.

The certificates of stock are registered as follows:

	Shares.
In 6 names, 5,000 shares or over, $12\frac{1}{100}$ per cent of the whole.....	72,057
In 75 names, from 1,000 to 4,999 shares each, $24\frac{3}{10}$ per cent of the whole...	145,771
In 98 names, from 500 to 999 shares each, $9\frac{73}{100}$ per cent of the whole .....	58,406
In 731 names, from 100 to 499 shares each, $25\frac{78}{100}$ per cent of the whole ...	154,667
In 493 names, precisely 100 shares each, $8\frac{22}{100}$ per cent of the whole.....	49,300
In 5,538 names, less than 100 shares each, $19\frac{96}{100}$ per cent of the whole....	119,748

Total ..... 599,949

The above statement shows that a decided and growing majority of the stock is held in America, and of all the holdings the majority is held in lots of less than 500 shares (\$50,000). The actual number of proprietors is even greater than the statement shows, because each account is treated on the books of the company as one holding, although many such accounts represent executors, trustees, and corporations acting for many individuals.

In one sense this experiment of the Illinois Central Railroad, so far as the plan for its employees acquiring holdings is concerned, may be regarded as a profit sharing arrangement. It was doubtless adopted with this motive in view, but the report of its workings to date shows that in reality it is regarded by the employees more as a savings fund. The interest of a holder of one share of stock in the earnings of the corporation is not apt to outweigh very strongly his interests as a wage-earner in case of labor disputes, especially if the stock is readily marketable and he can sell without much loss or even at a profit. The plan will become effective in its influence as a preventive of strikes only when the holdings become very much more numerous and larger than at present. Now probably less than 10 per cent of the total number of employees of the railroad hold a share of stock.

The Great Northern Railway has also recently inaugurated a plan providing for investments by employees in stock holdings. Ten thousand shares (\$1,000,000) were set aside by the directors to be handled by a company known as The Great Northern Employees' Investment Association, Limited. Certificates were issued against these shares in multiples of \$10 bearing 7 per cent interest payable in quarterly dividends. Any employee who has been at least three years in the service of the company and who does not receive over \$3,000 per annum for his services is eligible to buy these shares. The holders of the shares may withdraw at any time, receiving the full amount of dividends accrued to date. The average market rate of the stock being \$155 there seemed at the time of the inauguration of this plan to be ample security for a 7 per cent investment of savings.

## THE NEGROES OF LITWALTON, VIRGINIA: A SOCIAL STUDY OF THE "OYSTER NEGRO."

BY WILLIAM TAYLOR THOM, PH. D.

The present study, made under the direction of the United States Commissioner of Labor in the early months of 1901, is a continuation of "a series of investigations of small, well-defined groups of Negroes in various parts of the country," of which there have already been published The Negroes of Farmville, Virginia, Bulletin of the Department of Labor, No. 14, January, 1898; and The Negroes of Sandy Spring, Maryland, Bulletin No. 32, January, 1901.(a)

The Litwalton and Whealton neighborhood lies in Lancaster County, Virginia, on the eastern bank of the Rappahannock River, some 25 miles above its mouth. Whealton is at the mouth of Morattico Creek, which is here the dividing line between Lancaster and Richmond counties. The general line of this creek was followed for several miles easterly, forming the northern boundary of the neighborhood; a turn of some 2 miles to the south gave the eastern boundary, and the southern boundary extended from this point westerly to the Rappahannock again at Deep Creek. This gave an irregular quadrilateral of country about 2 miles wide, fronting on the Rappahannock River and extending back some 5 or 6 miles toward the rising land of the county watershed between the Rappahannock and the Potomac rivers. The hamlet of Litwalton is assumed to be the center of the neighborhood, at the northwestern corner of which is the steamboat landing and oyster shipping village of Whealton.

The inhabitants of the neighborhood are chiefly engaged in the oyster industry, and the purpose of this investigation was to study the Negroes of Litwalton neighborhood and Whealton village as excellent types of the "oyster Negroes" of the Chesapeake and its tributaries, since the same general conditions of life obtain here as prevail in varying conditions on both shores of the Chesapeake and as far south as Norfolk. That is to say, aside from fish and oyster interests, the prevailing type of life is agricultural, and the chief agricultural

(a) Other articles relating to the Negro have been published by the Department of Labor, as follows: Condition of the Negro in various cities, Bulletin No. 10, May, 1897; The Negro in the black belt: Some social sketches, Bulletin No. 22, May, 1899, and The Negro landholder of Georgia, Bulletin No. 35, July, 1901.

products are wheat, Indian corn, oats, and hay, as they have been for many years since tobacco cultivation was given up. In some of the Chesapeake sections, both of Virginia and of Maryland, the cultivation of peas and of small fruits for the city markets has, in part, displaced the usual crops mentioned above. This is also true of the peach-growing districts of the Eastern Shore of Maryland, and is, of course, true of the trucking country back from the water around Norfolk. What is said in the following pages would have to be greatly modified to apply to the latter sections with especial force. But it is believed, as the result of inquiries addressed to those in a position to know the various local conditions, that the Litwalton-Whealton neighborhood may be taken as a fair, if somewhat pronounced, type of the condition of the Negroes in this great oyster and fish producing region, in which they are apparently making themselves more permanently at home; but whether in increasing numbers proportionately to the whites is a matter of doubt.

When the peanut country of southern Virginia and the cotton region of North Carolina are reached, the agricultural conditions are so changed as to make it doubtful if the conclusions here set forth are applicable.

The counties of Virginia and Maryland bordering on the Chesapeake and its oyster-bearing affluents, which this report aims to represent, contained, according to the census of 1890, about 600,000 inhabitants, of whom about 250,000 were Negroes. The total land area is about 11,000 square miles. As appears elsewhere only a certain portion of the territory and of the Negro population are included in this discussion.

## LANCASTER COUNTY.

Lancaster, organized into a county in 1652, is the southernmost county of the famous "northern neck" of Virginia, as for about 250 years that tract of the Old Dominion has been called which begins at Chesapeake Bay and broadens out between the Potomac on the east and the Rappahannock on the west and is bounded by the Blue Ridge Mountains, in the northwestern part of the State. The name is usually understood nowadays to apply to the lower part of this territory, washed by the tides in these two majestic streams. The northern neck seems to have been named by way of distinction from the peninsula, beginning farther down the bay between the York and the James, and from the "south side" of the James. The term "neck" is doubtless due to the fact that at one point the waters of the Potomac are divided from those of the Rappahannock by a narrow neck of land only a few miles wide.

Lancaster County is bounded on the east by Chesapeake Bay, on the northeast by Northumberland County, on the north by Richmond County, and on the west and south by the Rappahannock River, which

is from 3 to 5 miles wide the entire length of the county and covers some of the finest oyster beds in the country.

The banks of the Rappahannock are for the most part several feet above the surface of the water, rising in many places to low bluffs. The fertile lowlands extend some distance back from the river, and then the country rises somewhat to the low central plateau, where there are considerable hills in the watershed, formed apparently by the erosions of small streams. This central plateau is still spoken of as the "forest" by the country people, a name that carries its own suggestion of the limits of former settlement and cultivation under the old tobacco régime, when the wealthy planters lived gayly along the water front; a name, also, that in more recent years, until the rise of the oyster industry, marked probably the chief source of wealth to the county. For it is only within the very recent past that the valuable forest has been stripped from the face of the country. There is still a little lumbering going on, but the industry has been ruined for years to come.

According to the record in the county clerk's office in 1900, Lancaster County contains 80,434 acres. In 1890 the census showed the following division of the land into farms:

NUMBER AND PER CENT OF FARMS IN LANCASTER COUNTY, BY SIZE, 1890.

Size of farms.	Number.	Per cent.
Under 10 acres.....	195	22.0
10 or under 20 acres.....	220	24.8
20 or under 50 acres.....	182	20.5
50 or under 100 acres.....	107	12.0
100 or under 500 acres.....	170	19.1
500 or under 1,000 acres.....	13	1.5
1,000 acres or over.....	1	.1
Total.....	888	100.0

Sixty-seven per cent of the farms were under 50 acres, and the average size of the farms was 68 acres. This indicates that the process of breaking up the large tracts into small farms had gone far. It is still going on, as will be seen.

The following table shows the tenure of farms in Lancaster County in 1890:

TENURE OF FARMS IN LANCASTER COUNTY, 1890.

Size of farms.	Cultivated by owners.	Rented for money.	Rented on shares.
Under 10 acres .....	174	19	2
10 or under 20 acres .....	190	22	8
20 or under 50 acres .....	151	25	6
50 or under 100 acres .....	88	16	3
100 or under 500 acres .....	122	37	11
500 or under 1,000 acres .....	8	4	1
1,000 acres or over .....	1		
Total .....	734	123	31
Per cent .....	82.66	13.85	3.49

Lancaster belonged in 1890 in the third of the counties of Virginia which had 80 per cent or more of owner cultivators. It was almost the equal in this particular, 82.66 per cent against 83.77 per cent, of the admirably situated Montgomery County, Md., and much above the per cent, 70.71, for Prince Edward County, Va.(a)

These 888 farms were worth in 1890, \$892,870; they had on them farm implements worth \$28,380. With an outlay of \$8,153 for fertilizers, they produced crops and farm products of various kinds to the value of \$150,210, an average of about \$169 per farm as compared with an average of about \$782 per farm for Montgomery County.

The farm products were as follows, a few very small items being omitted:

Wheat .....	bushels..	10,739
Corn .....	do....	103,977
Oats .....	do....	6,736
Rye.....	do....	112
Irish potatoes.....	do....	2,995
Sweet potatoes.....	do....	4,002
Apples .....	do....	11,502
Peaches .....	do....	955
Hay .....	tons..	1,386
Butter .....	pounds..	52,645
Honey .....	do....	1,759
Wax .....	do....	23
Wool.....	do....	3,038
Eggs .....	dozen..	64,212
Milk.....	gallons..	221,384
Vegetables, small fruits, worth.....		\$130.00

The live stock on these farms in 1890 was as follows:

Horses .....		1,045
Mules .....		67
Oxen .....		842
Sheep .....		972
Cows .....		1,139
Other cattle.....		958
Swine .....		4,252
Chickens .....		54,576
Turkeys .....		3,384
Geese .....		2,148
Ducks .....		2,821

These were valued at \$125,930.

The combined true valuation of the real estate and live stock in 1890 was \$1,018,800. The assessed valuation of real estate and improvements at the census of 1890 was \$625,914. In 1900 the assessed valuation was \$713,399, representing a gain of 13.98 per cent for the period of 10 years.

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a See reports for Sandy Spring and Farmville, Bulletins Nos. 32 and 14.

The basis for the tax levy for 1899-1900, according to the statistics in the office of the county clerk, was: Realty, \$713,398.91; personality, \$331,765; total, \$1,045,163.91; and 2,129 polls. This basis yielded, at the rate of \$0.90 per \$100 of property and of \$1 per poll, the sum of \$11,535.48.

In 1899-1900 the county, according to the report of the county superintendent of schools, had 31 public schools and 32 schoolhouses, a colored school in one district being held in one schoolhouse for one half session and in another schoolhouse for the other half session. There were no graded schools. The average length for the yearly school session was 6.33 months. Of these schools, 19 were white, with 23 teachers, of whom 5 were males and 18 females; and 12 were colored schools, with 12 teachers, 3 males and 9 females. The average yearly salary of the teachers was \$164.66, distributed as follows: White teachers, males, \$183.66; females, \$174.16. Colored teachers, males, \$158.33; females, \$142.50.

For these schools the county received for the session of 1899-1900 from the State school funds, \$5,086.16; from the county school funds, \$1,346.02; from the district funds, \$1,646.94; from balances on hand and from other sources, (a) \$1,271.36, a total of \$9,350.48. Of this amount \$6,904.95 was expended for the current expenses of public instruction, including \$5,670, which went for teachers' salaries.

One incorporated academy for whites is reported, which was kept open during a nine-months' session, and had 5 teachers, 1 male and 4 females, and 73 pupils of both sexes.

The total realty of the county, as of record in the county clerk's office for the year ending June 30, 1900, was 80,434.39 acres, assessed at \$713,398.91, of which 70,811.41 acres were owned by the whites, at an assessed valuation of \$620,225.07, and 9,622.98 acres were owned by the Negroes, at an assessed valuation of \$93,173.84. The total personal property of the county was assessed at \$331,765, of which the whites owned \$276,302, and the Negroes \$55,463. It will be seen that the Negroes own nearly 12 per cent of the land of the county and

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*a* One of these sources deserves to be mentioned particularly. It will be recalled that the struggle for religious freedom in Virginia, which went on during and immediately after the Revolutionary struggle for civil liberty, ended in 1802 in the passage of an act ordering the sale by the overseers of the poor of the glebes or farms belonging to what had been the Established Church. The money thus obtained in each parish was to be "appropriated to the poor of the parish, or to any other object which a majority of freeholders and housekeepers in the parish might by writing direct, provided that nothing should authorize an appropriation of it to any religious purpose whatever." The glebe fund thus derived in Lancaster County was put into the hands of trustees for the benefit of public education, and in 1899-1900, almost a century after its origin, yielded \$563.87 for the use of the public schools. See "The Struggle for Religious Freedom in Virginia: The Baptists," by Wm. Taylor Thom, Series XVIII, Johns Hopkins University Studies, 1900.

about 13 per cent of its assessed value; and also that they own nearly 17 per cent of the assessed personality. The realty owned by Negroes should probably be increased by at least 500 acres, in order to include lands bought and not yet recorded as transferred and lands in process of purchase. The proportion, especially of lands in process of purchase, may easily be much larger. For example, 6 of the families of the Litwalton neighborhood are reported as now buying 55 acres of land. In many cases the sellers withhold title until purchase money and interest have been all paid, and this process often extends over many years. Sometimes, of course, trust deeds are taken and title is conveyed at once.

Twenty-four out of 49 property-holding families in the Litwalton neighborhood report their property as owned for 10 years or more, or as inherited; and of the remaining 25 families it is almost certain that the greater number were many years in paying before they got titles to their property. In other words, it is most probable that much the larger part of this real estate was bought by the Negroes before 1890, possibly even earlier. One intelligent Negro man was of the opinion that his people were acquiring land as rapidly now as at any time during the last 30 years; but that was not the opinion at the county clerk's office, nor of some well-informed white men, by whom it was held that the change in the conditions of the oyster industry had thrown less money into the hands of the Litwalton Negroes than was the case 15 or 20 years ago, and that, in consequence, they were acquiring land less rapidly.

That they hold at this time 12 per cent of the surface of the county and about 17 per cent of its assessed personality, is, however, a noteworthy fact. They are assessed for something like one-sixth of the local taxes. They outnumber the whites in the proportion of 1,161 adult males to 1,068 adult males.

The record of the population during the century is of interest. The following table is taken from the census records:

POPULATION OF LANCASTER COUNTY, 1790 TO 1890.

Year.	Whites.	Negroes.		Total.
		Slaves.	Free.	
1790.....	2,259	3,236	143	5,638
1800.....	2,090	3,126	159	5,375
1810.....	2,276	3,112	204	5,592
1820.....	2,388	2,944	185	5,517
1830.....	1,976	2,632	193	4,801
1840.....	1,903	2,478	247	4,628
1850.....	1,802	2,640	266	4,708
1860.....	1,981	2,869	301	5,151
1870.....	2,198	.....	3,157	5,355
1880.....	2,626	.....	3,534	6,160
1890.....	3,171	.....	4,020	7,191

The population did not reach the mark of 1790 again until 1880. It was lowest during the decades from 1820 to 1850, when the great

development of the West and South was attracting emigration. The Negroes have always outnumbered the whites from 500 to 1,000, though the increase of the population from 1870 to 1890 has been slightly in favor of the whites.

Tobacco, with its usual bad effects on the soil, was long the important crop in Lancaster County. Then wheat and corn, especially corn, were chiefly cultivated. During both of these periods the lands along the river front of the Rappahannock and on the big tide-water creeks were held by the wealthier families; and back in the interior—the forest—lived people not so well to do, all farmers, with slaves in varying proportion to their means. After the war of 1861–1865 began the exploitation of woods and waters. Lumbermen, employing many of the freedmen as laborers, stripped the land of timber and sold cord wood by the shipload. Then, also, the oyster dredgers began the destruction of the Rappahannock oyster beds or the native oyster “rock.”

In this latter work of destruction they nearly succeeded, as they have done in Maryland oyster waters also. For many years, however, the oysters were so abundant and so fine that the oyster tongers could make high wages, better than the wages of the majority of skilled workmen, by getting up the finest oysters and selling them to the waiting vessels from Baltimore, Philadelphia, or New York, as the case might be. These men often averaged \$5 a day for days at a time, and those who owned boats and could employ other men often averaged still more. The money came quickly, and they spent it lavishly, many of them buying or beginning to buy, among other things, homes for themselves and their families. These homes were almost invariably located in the strip of land bordering on the Rappahannock and the native oyster rock. Along all the oyster rivers of Virginia and Maryland the whites have continued, with rare exceptions, to retain their hold on the river front and on the rich river bottoms. This strip of land varies, roughly speaking, from half a mile or a mile to a good deal more than that in width, and can not, as a rule, be bought by Negroes. Just back of this river belt the lands are not so valuable, but they are near enough to the water to enable the fishermen and the oyster tongers to go to and from their work conveniently and seasonably. In this section, accordingly, the Negroes have bought their lots and built their homes. Back of this section, again, are to be found the white farmers of the interior, some of them with large holdings of land and employing or trying to employ and to keep permanent families or squads of laborers. This habitat of the oyster Negro in Lancaster County, following the meanderings of the river and sandwiched between two sections of whites, may be likened to the layer of chocolate in a slice of chocolate cake. This comparison is said to hold true, by those in a position to know, for the oyster-bearing affluents of Chesapeake Bay in Maryland as well as in Virginia. There

are other Negro settlements in the interior of the county, of course, and they crowd into the little towns and hamlets of Lancaster and other counties; and from these settlements many go for the season to the river, where they live in cabins or barracks owned by the whites. But the characteristic home, as owner or as renter, of the oyster Negro is in the belt of country just described.

About the year 1890 the destructive effects of dredging (*a*) became so apparent and the oyster beds had been so stripped of oysters that some remedy became a necessity. The legislature of Virginia finally passed the present oyster law. The bed of the Rappahannock was carefully surveyed. Within certain limits the river bed was claimed as State property, and was offered for lease for 20-year periods at \$1 per acre per year. At the same time the inspection of oyster tonging beyond these limits was made much more rigid and systematic in order to prevent the taking of oysters under legal size—3 inches in length. This law went into operation in 1894, and the results have been excellent for the oyster industry. The beds leased by the State have been largely taken up by responsible men who are replacing the original beds by planting year by year oyster "seed," as the little oysters are called, obtained chiefly from the lower James River. These seed grow rapidly after being laid down on fresh beds, and usually yield a sure and large return when they are taken up for consumption.

The planting of these seed oysters, which vary from the size of a finger nail to that of a silver dollar, is done by preference in the cool months, to prevent injury to the oysters from the heat. In summer these oysters are sometimes transplanted to beds near at hand in order to thin them out, or for other reasons. They cost 25 cents a bushel delivered at the planting ground. The number of bushels planted per acre varies according to the time they are to remain on the bed. From 1,000 to 1,500 bushels per acre are frequently planted in February or March, and the larger ones are taken up and sold the following December or January at from 40 to 50 cents per bushel. The smaller ones are left over to the next season, and are then worth from 50 to 75 cents a bushel. If the oysters are carried over to the third season they are supposed to be worth from 90 cents to \$1 a bushel, depending on their growth and condition, which in turn depend upon the shore on which they are planted. Some seasons, for reasons unknown, the oysters fail to fatten, and then they must be sold at a loss or held over till another season. Many planters prefer to cover their beds with oyster shells, and then wait for the "spat," or spawn of the oyster, to strike on these shells. They claim that this produces an oyster bed

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*a* Dredging is done by letting down a kind of grating upon the bottom of the river, setting sails, and thus making the dredge scrape along the bottom, bringing up with it big oysters and little and leaving the bottom practically bare. The oyster bed is thus soon destroyed for years to come, sometimes for good and all.

practically of the same kind as the original "oyster rock" and of equal fertility and endurance. It is a slower process, usually, than planting the seed oysters.

The beds leased and protected by the State have already become very valuable. A few years ago they could have been bought at a slight advance over the annual rent paid by their lessees. Last fall they were worth \$50 an acre; this spring they are held at \$100 an acre, and the price is advancing rapidly.

This part of the oyster industry, it will be seen, has become a system of planting and reaping, and it has been followed by the next step in the handling of a large crop, its local preparation for the consumer's market. Just as the cotton spinners are flocking to the South in order to reach the raw material of the cotton crop, so are the oyster packers rapidly establishing their houses along the lower Rappahannock. Formerly all oysters were exported in the shell just as they came out of the water, after due selection and culling as to grades and sizes. This method of export is still the leading one, but the shucking interest is gaining rapidly. More capital is required for the shucking business, but judging from its development the returns must be very satisfactory.

A serious defect in the oyster law is said to be its lack of protection against the stealing of oysters from the beds when planted. The statute, it is stated, considers only as petty larceny such stealing of planted oysters, and punishment is inflicted only when conviction is obtained for the theft of 50 bushels at one time. This, the planters claim, is utterly inadequate to protect their rights. They have to employ watchmen and to build watchhouses out in the river in the effort to protect themselves and to supplement the work of the State oyster police system.

Until within the last 12 months there had never been a bank in Lancaster County, nor, until very recent years, in a section of tide-water Virginia almost three-fourths as large as Massachusetts.<sup>(a)</sup> Now there are two banks in Lancaster County, one a State and one a national bank, and this local supply of capital is a result of the oyster law.

### LITWALTON NEIGHBORHOOD AND WHEALTON.

Litwalton, taken as the center of this neighborhood study, is a hamlet of some 10 houses, including 4 stores, a post-office, and the office and residence of the physician of the neighborhood. A short distance off is a blacksmith shop. Another post-office is located about

<sup>a</sup> These tide-water counties of Virginia contained 309,076 inhabitants according to the census of 1890, and have a land area of 5,869 square miles, as against a land area for Massachusetts of 8,040 square miles. The population was, therefore, 52.7 persons to the square mile, as against 278.5 persons to the square mile for Massachusetts.

2 miles away, and at about the same distance is a boat-building and undertaker's shop belonging to the most prosperous man among the Negroes. There are 2 more stores, 3 public schools (2 white and 1 colored), and a small hall belonging to the Negroes in the neighborhood, and just beyond its limits is the large unfinished Negro Baptist church. Between Litwalton and Whealton there are a Baptist church and a Methodist church. There is a gristmill at the edge of the neighborhood, and just beyond its border a steam sawmill. A telephone line passes through the neighborhood connecting it with the county seat, with some points on the river, and indirectly with Fredericksburg on the north, where telegraph is reached. The connection of the neighborhood with the outside world by transportation is at Whealton through the Weems line of steamers, which ply between Baltimore and the Rappahannock River landings as far as Fredericksburg, and furnish a boat almost every day except Sunday. These boats are much used. There is no other means of transportation and travel except by private conveyance in vehicles or in boats.

The oyster industry excepted, the interests of the neighborhood are entirely agricultural. Yet the neighborhood, as the county, imports food for man and beast. Corn is always high. The community as an agricultural community is not flourishing and has not been for years. There is almost no community spirit. The traditional isolation of the old-time plantation life still exists among the whites, and the Negro social life is of an unorganized kind.

The permanent population of the neighborhood consists of about 400 Negroes and about 250 whites. Judging by the school population, we may roughly estimate the increase since 1885 of the white population of this school district at about 80 per cent, and of the Negro population at about 17 per cent, and this ratio is approximately true for the Litwalton community. This difference has been caused in considerable degree by the Whealton part of the community. The remarkable development of the oyster business at Whealton has caused a number of white families to take up their permanent residence there.

At Whealton, 6 years ago, there was the long wharf, with several houses at the end of it for picking over and barreling the shell oysters, and a few houses on the river bank, besides the post-office and store. Now, in the oyster season, during the fall, winter, and 2 spring months, a population of about 500 persons is busily at work, and the money disbursed amounts to a large sum annually. This population is migratory. Only a few dozen people are left to occupy the shell, so to speak, left empty by the oyster openers when they go back to their Maryland homes about the end of April; for it is an interesting circumstance that a large majority of the oyster shippers along the lower Rappahannock are men from Maryland, Delaware, or New Jersey. Many of them have been engaged in the business of shipping the

shell oysters for years past and have built up a large trade. A still larger proportion, almost all in fact, of the oyster shucking and packing firms, have at their heads men who have felt the effects of bad oyster laws elsewhere, and have brought their energy and capital into these fields, attracted by the advantages of the Virginia oyster law.

Five years ago a firm from the lower Eastern Shore of Maryland started with a small force of hands into the shucking and shipping business at Whealton. Now there are 3 firms in this business at that place, and they employ a force of something like 350 employees and disburse during the 7 months of the active oyster season between \$50,000 and \$75,000 for salaries and labor, and probably \$100,000 for oysters. This does not include the disbursements of 4 other firms at Whealton engaged in shipping oysters in the shell, nor such outlay as may be incurred by the 3 packing firms when they buy for shipment in the shell, nor money expended in oyster cultivation. This development at Whealton is somewhat exceptional, but it is thoroughly characteristic, and is being rapidly imitated and duplicated at other places on the lower river. It is in consequence of the oyster law.

There were enumerated 441 of these Negro oyster shuckers, including their families and a number of laborers in addition, and there were doubtless a considerable number of omissions in the case of the younger members of these families. These people nearly all come from the same locality in Maryland—Somerset County. They are brought across the bay in vessels in the fall, at the beginning of the oyster season, and at its close in April are taken back in the same way. Some of them send their children back to Maryland about March, to go to school for the rest of the school term. Some of the children receive some instruction at Whealton. There was in operation at Whealton in February, 1901, a school of 15 pupils from among these children, taught by a woman at the rate of 15 cents a week per pupil. This weekly wage was probably about two-thirds of what the teacher could have earned as an oyster shucker, but it was doubtless more easily earned. A large proportion of the children, some of them quite young, shuck oysters with their parents.

The families live in the houses put up by the operators, where they are considerably crowded, if the families happen to be large.

The shuckers make good wages. Their daily average is often not so high as that of the oyster tongers; but usually they have steady work during the season, and thus the aggregate of earnings is large.

It seems strange at the first glance that no Litwalton Negroes are reported among these shuckers, though perhaps 4 should be included. The fact that all or most of the shuckers are outsiders is a condition that obtains likewise at other places on the river where the shucking interest has established itself. The explanation is not far to seek. The oyster tenger is his own master. He comes and goes when he

pleases. If he has good luck he may, especially if he owns his boat, make enough money in the open weather, in the fall months practically, to carry him through the season, possibly through the year. Then he can stay at home in the hard weather, or stand around the stove in the store with his fellows, or otherwise disport himself. He can nearly always find an odd job to keep enough meal in the box for a corn pone, if the oystering proves very unprofitable. And thus at the end of the season, if he has less money in his pocket, he has had or thinks he has had more liberty and more fun than the shucker; and so he declines to enter upon a more confining business even with its surer and larger returns. For the oyster shucker is confined to work. If he proves inefficient as a shucker or unreliable as a worker, he is apt to find that his stall in the shucking house and his place in the lodging house are wanted for someone else. If he is a poor shucker, he does not get the oysters out, and he can not earn the wages wherewith to pay his rent for his employer's room and to buy his supplies from his employer's store. Again, the oyster tonger works out in the open air in his boat, in sight and sound of his fellow tongers. He may have a very successful day, or even week; the weather may remain propitious for a longer time. He has the gambler's hope for luck always before him. Yet he knows also by experience that he may be kept off the water by ice or by bad weather for weeks at a time. The fact remains that the Litwalton tongers have not become the Whealton shuckers.

The method of taking oysters with tongs needs perhaps a word of explanation. The oyster tongs look like an exaggerated pair of garden rakes with very long metal teeth. They have slender handles from 15 to 30 feet long. These handles, flat on one side, are fastened together about 3 feet above the teeth. When the tongs are let down on the bottom and the handles, sticking above the water, are opened by the tonger, a good space of the oyster bed may be inclosed within the jaws of the tongs. The teeth are then gradually worked together by the tonger, who draws up his catch, whatever it may be. The small oysters under lawful size should be culled out as the tonging proceeds, and thrown back into the water. Otherwise the tonger becomes liable to a fine at the hands of the oyster inspector. It will be readily seen that, though skill may do much to lessen the strain, oyster tonging is not easy work, and the exposure must at times be great.

Nor is the work of the oyster shucker easy. The shucker stands in a kind of narrow stall, which is about as high as the waist, and which has the bottom raised high enough to keep it out of the dampness of the muddy floor. The oysters are thrown, by the men who bring them in in wheelbarrows, on the long table before the shucker. He holds the oyster firmly on the table with one hand and gives it a smart blow

with the back of his knife, breaking the lip of the shell, or, without breaking, simply inserts the blade of his knife between the shells, prizes them open by a quick turn of the wrist, pulls off one shell, cuts the heart of the oyster loose from the other shell, and drops it into the can by his side, while he sweeps the empty shells into a pile on the other side. Skill and experience count for much in this work, and so does the size of the oysters. With large oysters a skillful shucker can open 20 gallons of oysters a day, which at 20 cents a gallon would give him a wage of \$4 a day. The earnings vary from this high-water mark to about 40 cents a day for women and children. The operators do not as a rule want their stalls occupied by inefficient members of the families of even good shuckers; but it is recognized as good policy to train good shuckers; hence many children are employed. The shuckers sometimes complain of the work as hard upon the chest, probably because of the constant forward position of the arms. The shucking houses are mere one-story sheds, but they are provided with stoves and can be closed, so that the shucker, though handling wet, cold oysters, is not exposed as the oyster tonger is, neither has he as much liberty; but his good time comes when the shucking season is over and he goes home with the earnings he has saved. Then he disports himself, unless he be economically inclined, until his money is gone. The employers report that many of the heads of families go away in the spring with considerable sums of money, running into the hundreds of dollars, tied in bags around their necks, and that some of the improvident among these, and still more among the less saving, apply for financial help before the summer is over and the next oyster season begins. Some of the large families consume their earnings in their employers' stores as fast as they get their wages. One family, for example, of 12 was called to the writer's attention by the remark of the employer that the head of the family—there were 4 shuckers in it—earned \$18 a week on an average, and would spend \$20 a week if allowed credit in the store, and that he usually had nothing left at the end of the season to show for his work. On the other hand, some interesting cases of profiting by their opportunities will be reported when we come to examine the occupations and wages of these people.

They are distinctly migratory and are distinctly characteristic of the oyster country. Some of them go from oyster shucking in the winter to berry picking in the late spring and early summer. After leaving a large part of their earnings, expended in the stores for supplies, they still take with them, in the aggregate, a considerable sum of money into other communities. This money should certainly, in large part, be kept in the place where it is earned and where it is needed, but neither the Negroes nor the whites of the community show the proper aptitude and disposition to do this. The whites of Litwaltion neighborhood do not avail themselves of this chance for steady

and good wages, apparently because they are not used to it, and because of the conditions of the labor. Among all the employees of the 3 shucking establishments, only 3 white shuckers were found—a man and two boys. One of these boys, a slight little fellow of 13 or 14, said that he made his 40 cents a day, sometimes more. There was probably no other way whatever to be found in that whole section of country by which this boy could make \$75 for himself during the winter season. There are many white boys in the section greatly in need of such help; there are probably still more white men in such need, and men who are compelled to work with their hands for their support and that of their families; and yet both men and boys are letting this profitable source of revenue remain in the hands of migratory operatives from another State.

The oysters after being taken from the shells are spread on a perforated tank to drain, and water from artesian wells bored for the purpose is poured over them to take off the oyster liquor the more rapidly. They are then packed in an almost solid mass around ice in small, stout barrels, and are ready for shipment. The 3 firms engaged in this business use about 35 tons of ice a week, which is imported from Crisfield, Md. Before being packed in barrels, the oysters are sorted as to size, so as to meet the demands of the buyers in the different markets, for these oysters go as far as into the northwestern States beyond Chicago. The grades which the operators buy range in price from about 40 cents to about \$1 a bushel. They sell the shucked oysters at from 60 cents to \$1.20 a gallon. It requires, on the average, something like a bushel and a peck of oysters in the shell to make a gallon of shucked oysters. There are various designations for practically the same grades of oysters. Thus one dealer may ship his oysters, beginning with the small size, as culls, primes, extras, and counts, while another may call his oysters standards, mediums, selects, and extra selects; the counts and extra selects, respectively, mean the very large oysters that command fancy prices in certain markets when retailed by counting instead of by measuring. Through the courtesy of the steamboat agent and of the 3 firms, a rough estimate of the shipments of oysters from the Whealton wharf during the season of 1899–1900 was obtained.

During January and February of 1900, including a freeze of 8 days, 4,983 barrels of oysters were shipped. This would make about 20,000 barrels for the season of 8 months from September to the last of April—rather a low than a high estimate. At  $2\frac{1}{2}$  bushels to the barrel this would give 50,000 bushels of shell oysters. During the same season the 3 firms shipped about 200,000 gallons of shucked oysters. At the rate of a bushel and a peck of shell oysters for each gallon of shucked oysters this would give 250,000 bushels of shell oysters, or a total of 300,000 bushels of shell oysters distributed from the Wheal-

ton wharf in the season of 1899-1900. At the price of 50 cents a bushel this would seem to indicate a disbursement of \$150,000 for the purchase of oysters at this single point. From this great sum should be deducted, as not having been disbursed among the oystermen of the vicinity, an amount which the writer is not in a position to give, namely, the value of the oysters taken from the beds owned and cultivated by the shippers themselves. On the other hand, thousands of bushels of oysters were bought at Whealton in 1899-1900 and exported in sailing vessels, of which no record was left in the hands of the steamboat agent, nor included under the shipments of the 3 firms as given above.

In addition to the oyster lands of the shippers, a large number of acres of the river bottom near Whealton are under cultivation by men who have leased them from the State and the cultivation of which has made this great supply of oysters possible in the short time that has elapsed since the injury to the beds from the dredging of some years ago. A great part of the money disbursed for the purchase of oysters goes to them, and not directly to the oystermen of Litwalton. But many of the Litwalton oystermen are employed by these cultivators at high wages which yield, in the long run, perhaps, as much as the men would make working for themselves under favorable conditions. Of course, also, many oysters from other parts of the river are bought at Whealton. When all these deductions are made, there is still left of the total disbursements for the purchase of oysters at Whealton, a large sum which goes into the hands of the Negro oystermen of the Litwalton neighborhood—a much larger sum, it is thought as the result of other inquiries, than would appear from the answers of these oystermen to the queries of the schedule. This discrepancy, if discrepancy it be, would result easily and naturally in most cases from the fact that the oystermen had to make an estimate of their earnings in answer to the thirty-third question as to wages, and this estimate was in many cases probably too low, with all the contingencies of wind and weather taken into consideration. This element of uncertainty, leaving a broad margin of doubt around the report of wages, was unavoidable. The discrepancy is not believed to be so serious as to vitiate the substantial value of the report of wages.

From what has been said, it is seen that the relations of the two parts of the chief laboring element to the central industry of this community are quite different. One part, the Litwalton Negroes, the extractive labor element, is permanent and has a characteristic community life of its own; the other part, the Whealton Negroes, the manufacturing labor element, is migratory and has no such characteristic community life as need call for extended remark in this paper, except with respect to its economic aspects. The real community life of the shuckers is in Maryland. This division of the labor element is

said to be characteristic of the Chesapeake oyster growing and oyster shucking region.

The Litwalton neighborhood, in common with other parts of the county, feels the effects of the influx of summer visitors, particularly at the camp-meeting time in August.

The present study follows the lines of the Farmville, Virginia, and the Sandy Spring, Maryland, studies, and comparisons are instituted where found practicable and profitable.

In the Sandy Spring report it was said: "In the case of Farmville we have a small urban community of Negroes with immediate agricultural interests and surroundings. In the case of Sandy Spring we have an approximately equal group of agricultural Negroes with semiurban surroundings and interests." (a) In the case of the Litwalton-Whealton neighborhood, there is a group of Negroes somewhat smaller in the aggregate, who, with agricultural surroundings and interests, subsist chiefly by one industry. This industry is, for half of this aggregate group, extractive, and controls their economic and social life for the greater part of the year; for the other half, the industry may be said to be manufacturing and controls their economic life for half the year, after which they return to their own social and domestic life. This division of the whole group is, as has already been said, characteristic of the section and of the population.

It will appear as the study proceeds that, as in the case of the Sandy Spring study, the schedule did not always yield results of sufficient value to be elaborated by tables and full discussion. With some differences of arrangement, the same schedule of questions as for Sandy Spring was used, as follows:

#### FAMILY INQUIRIES.

1. Number of family in order of visitation?
2. Number of persons in this family?
3. Deaths during year in this family?
4. Deaths during past five years?
5. Kind and size of house—number of rooms?
6. Does this family own this house?
7. Does this family own any house or land—how much?
8. Value of such house or land?
9. How long has family owned this property?
10. Rent paid here per month?
11. Church membership or attendance?

#### INDIVIDUAL INQUIRIES.

12. Name?
13. Relationship to head of family?
14. Sex?
15. Age at nearest birthday?
16. Conjugal condition?
17. If married, how often?

*a* See Bulletin No. 32, page 54.

18. Mother of how many children (born living)?
19. Number of them living?
20. Where are such children now?
21. Births during year?
22. Place of birth?
23. Length of residence in this community?
24. Free or slave in 1865—how long?
25. Length of residence in this house?
26. Months in school during the year?
27. Able to read English?
28. Able to write English?
29. Sick during year—cause?
30. Number of days sick?
31. Wanting or defective in mind, sight, hearing, speech; maimed or deformed—in what respect?
32. Usual profession, trade, or occupation?
33. Usual wages at above?
34. Weeks unemployed during year?
35. Working for self?
36. Worked at how many places during year?
37. Worked at how many places during last five years?
38. Worked at same place for five years or longer—how long?

One other remark must be made before taking up the discussion of the tables. In the Sandy Spring study considerable stress was laid on domestic service and its relation to the whole community. Necessarily, in the comparison of the two communities, attention was called to the absence of the domestic service element in the Farmville study, and reasons were assigned why domestic service should receive careful attention in a study of this nature. In the present study domestic service is so nearly absent from the life of the community that it would be labor lost to attempt to follow it up closely. What little there is has for both races all the irritating features that are found elsewhere.

Seventeen white families in the Litwalton neighborhood usually try to have servants. Of these, 8 had, at the time of this investigation, no servants, and 2 had white servants. Of the remaining 7 families, 2 had as servants children of 12 and 13 years of age, and 1 family was what may be called a case of survival—that is, a family of old people in which an old servant, a cook, was living and had been living for 30 years. The remaining 4 families were not investigated. The domestic service, equally fleeting and sought after, was roundly denounced by the housekeepers as incompetent, dishonest, and unreliable. On the other hand, domestic service for the whites is ridiculed and spoken of with contempt by the Negroes of the community. Hence its practical absence from the neighborhood. It is said that during the camp-meeting time, probably regarded as an extra occasion, a number of Negroes, inaccessible at other times, go into temporary service, which they abandon on the approach of the oyster season in September.

Among the Negroes themselves there are 19 individuals, young persons of both sexes, who occupy the position of "help" toward the families with whom they respectively live. Some of the young men are on regular wages as laborers, and have, in some instances, been so employed for years. It is not so clear what the relations of the others are to the respective families, but it looks as if a system of service of Negroes to Negroes was being developed, as was said to be the case in Farmville. (a) Such a system of "helps" might easily grow out of the habit of the more prosperous Negroes of hiring men to aid them in tonging for oysters in their boats. If employer and employee worked pleasantly and profitably together in taking oysters, their relationship would naturally continue in the agricultural work of the community in those cases in which the employer was the owner or the cultivator of sufficient land to make the hiring of labor desirable or necessary. Three of these young men are reported to have been hired all the year round, for larger wages in the oyster season, for smaller wages in the summer months, and to have been so hired for from 4 to 8 years. There are 11 of these families which report help of some kind.

The Farmville investigator says: "At the same time one curious modification of the domestic-service system is slowly taking place, which may mean much in the future, and that is the fact that Negroes themselves are beginning to hire servants. Ten families among Farmville Negroes regularly hire one servant each, and several others have a woman to help occasionally. This system is, however, very different from the hiring of Negroes by whites. The employers in this case in no respect despise common labor or menial duties, because they themselves have performed such work all their lives. Their servant, too, is a neighbor's daughter, whom they know and like, and treat practically as a member of the family. Thus there grows up a system very much like that in New England or in parts of Germany to-day, where house-work is honored. At the same time, the Negro employers learn to sympathize with the complaints of the whites as to inefficient servants. In this way, possibly, the one circumstance which, more than all others, serves to ruin domestic service in the South may be modified, namely, the making of the term 'Negro' and 'servant' synonymous." (a)

If the development of a "help" system among the Negroes themselves would tend to improve the domestic service in the South, it should certainly receive all possible encouragement from every direction. But will the servants of the domestic service of the whites be better or more contented for knowing that the servants of the domestic service of the well-to-do blacks are called "helps," and receive a treatment different from that received in the houses of the whites? It is

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<sup>a</sup> See Bulletin No. 14, page 21.

doubtful. Indeed, is it not likely that such a distinction, with its correspondent difference, would make the domestice service for the whites still more obnoxious to the young Negroes? To be treated "practically as a member of the family" is what any fairly efficient young colored house girl may expect as a "help" in a Southern Negro family, and what no colored house girl, efficient or inefficient, may as a servant expect in any Southern white family. Whether this be right or wrong, it is the plain fact, and it does no good to mistake or to misstate this fact, or to think it may be explained away by the suggestion of some other condition, actual or possible. The truth is that people do not like domestic service, either for themselves or for others, whether they honor housework or not; and hence they get somebody else to do the housework for them, if they can. Housework is honored in Sandy Spring, (a) where the Quaker mothers teach it to their daughters, who then straightway try to find servants who shall do the work for them. And so it goes the world over. The first Negro millionaire in the United States will have servants in his house, and not "helps;" the well-to-do Negro hotel keepers now in business have servants, and not "helps." One of the greatest needs of the Negro is to learn the facts, and not the fancies, of his own economic life and of his environment as they actually exist at the present time in the Southern States.

In Litwalton the ridicule of domestic service for the whites by the Negroes makes it practically impossible that there should be good domestic service by Negroes in that neighborhood. This seems to be a direct result of the comparative rapidity and ease with which the oyster Negro can, if he chooses, make himself and his family independent of his white neighbor. Economic independence, then, whether in Farmville or Litwalton, leads to segregation of the races, and also to the imitation by the well-to-do blacks, of the conditions of life found among the well-to-do whites. That seems to be the whole story told by the facts reported in this connection.

#### AGE, SEX, AND BIRTHPLACE OF NEGRO POPULATION.

The total number of Negroes reported in the Litwalton-Whealton district as to age, sex, and birthplace was 847. Probably 50 omissions should be added. As has been explained in the preceding remarks, the Litwalton and Whealton divisions of this district are so distinct that they will not be tabulated together.

Of the 406 negroes of Litwalton there were 391 who reported as to sex, as shown in the table following. Of these there were 216 males and 175 females, a proportion of 810.2 females to every 1,000 males. This is a remarkable proportion. Sandy Spring and Farmville, points of concentration, show, respectively, 1,053 and 1,048 females to every

<sup>a</sup> See Bulletin 32, pages 76 and 82.

1,000 males, about 100 females in each case above the average for the United States—952.8 females to every 1,000 males.(a) But Litwalton shows 142.6 females per 1,000 males, or nearly 15 per cent, less than the general population for the whole country, and more than 200 females per 1,000 males less than Farmville and Sandy Spring. This seems to indicate a large emigration of females.

The place of birth of the population will make this clearer. Of the 406 persons enumerated, 333 were born in Litwalton and 15 in Lancaster County outside of Litwalton, a total of 348, or 85.71 per cent; 30, or 7.39 per cent, were born in the adjoining counties of Richmond and Northumberland; 18, or 4.43 per cent, were from elsewhere in Virginia; that is, 97.53 per cent are from the neighborhood and the State. Three are from Maryland, 1 from Louisiana, 1 from South Carolina, and 5 are not reported. This recapitulation shows a very small movement of population into the community, the 45 persons from Lancaster County outside of Litwalton and from Northumberland and Richmond Counties being brought in by what may be called the neighborhood movement resulting chiefly from marriage. The excess of males over females does not come from any large excess of males in the immigration; for of the 73 persons, including 5 of unknown place of birth, reported as having come into the neighborhood, 37 are males and 36 are females. Among the women immigrants, 20 appear to have been brought in as wives of residents and to have been living in the community for some time. Among the men about half a dozen young unmarried immigrants are reported, and about half a dozen more, judging by their names, should have been reported as immigrants and not as natives. This would show a small immigration of young men. The explanation of the anomaly seems to be the emigration, temporary or permanent, of the young women.

The following table shows, by age periods and sex, the number of Negroes of each sex from whom reports were obtained:

NUMBER OF NEGROES IN LITWALTON FROM WHOM REPORTS WERE OBTAINED, BY AGE PERIODS AND SEX, 1901.

Age periods.	Males.	Females.	Total.	Age periods.	Males.	Females.	Total.
Under 1 year .....	2	4	6	50 to 59 years.....	12	9	21
1 to 4 years.....	18	18	a 36	60 to 69 years.....	10	3	13
5 to 9 years.....	25	27	b 52	70 to 79 years.....	3	4	7
10 to 15 years.....	33	27	a 60	80 to 89 years.....	2	.....	2
16 to 19 years.....	19	15	34	Age not reported..	9	8	c 17
20 to 29 years.....	42	23	65	Total.....	216	175	d 391
30 to 39 years.....	20	21	41				
40 to 49 years.....	21	16	37				

a Not including 2, sex not reported.

b Not including 5, sex not reported.

c Not including 6, sex not reported.

d Not including 15, sex not reported.

There are 104 males of voting age, and 177 children (b) of the legal school age (5 to 20, inclusive), and 134 (b) of the usual school age (5 to

a Cf. Bulletin No. 32, page 57.

b Including 15 children age not reported and 7 sex not reported.

15). Eighty out of 82 families reported as to length of residence in Litwalton. Five had been living there from 5 to 10 years, 10 from 15 to 21 years, 31 from 21 to 36 years, 34 for 36 years or longer. Four-fifths of the families have been living in the neighborhood for more than 21 years; or, to conform to the reports for Farmville and Sandy Spring, only about one-fifth of the population has come in from the outside since 1880, as compared with a little more than one-fourth in the case of Sandy Spring and with one-half in the case of Farmville. (a)

The following comparative table for Litwalton, Sandy Spring, and Farmville shows the movement of the younger population:

NEGROES IN LITWALTON, SANDY SPRING, AND FARMVILLE FROM WHOM REPORTS WERE OBTAINED, BY AGE PERIODS AND SEX.

[This table does not include 65 persons at Sandy Spring and 75 at Farmville, mostly women in domestic service.]

Age periods.	Litwalton, Va., 1901.			Sandy Spring, Md., 1899.			Farmville, Va., 1897.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
Under 1 year.....	2	4	6	8	17	25	12	12	24
1 to 9 years....	43	45	88	125	124	249	127	150	277
10 to 19 years....	52	42	94	107	112	219	182	147	329
20 to 29 years....	42	23	65	47	61	108	87	101	188
30 to 39 years....	20	21	41	41	45	86	53	67	120
40 to 49 years....	21	16	37	40	34	74	47	55	102
50 to 59 years....	12	9	21	27	22	49	44	52	96
60 to 69 years....	10	3	13	21	17	38	23	24	47
70 to 79 years....	3	4	7	8	8	16	14	15	29
80 to 89 years....	2	.....	2	3	8	11	3	3	6
90 to 100 years....	.....	.....	1	1	2	2	1	.....	1
100 years or over....	.....	.....	.....	.....	.....	.....	1	.....	1
Age not reported.....	9	8	17	8	10	18	4	1	5
Total .....	216	175	391	436	459	895	598	627	1,225

For the period from 10 to 19 years as compared with Litwalton, Sandy Spring, with more than twice the population, shows a little over twice the number of young males and almost three times the number of young females; and Farmville, with a little over three times the population, shows more than three times the number of young males and three and a half the number of young females. For the period from 20 to 29 years Litwalton has a large excess of males over females, while in Sandy Spring and Farmville the males number less than the females. Comparing the three localities for this period we find that Sandy Spring has only 5 more males than Litwalton and Farmville a little over twice as many, while Sandy Spring has over two and a half times as many females, and Farmville more than four times as many. The decade from 40 to 50 shows an excess of males over females in both Litwalton and Sandy Spring. This would seem to show a small immigration of males, though it may be accounted for by the emigration of the females. The domestic-service elements for Sandy Spring and Farmville have been excluded from this table. Were

a Cf. Bulletin No. 32, page 58, and Bulletin No. 14, page 9.

they included, the small proportion of young women at Litwalton would be still more clearly shown; but, as it is, the large emigration of the Litwalton young women seems evident. They return in many cases to be married, or are married soon after returning. Some of the young men emigrate permanently, but the freedom of the oyster tonger's life and its profits when followed regularly seem to prove more attractive to the majority of the young men than more regular wages elsewhere. One young man, just married and just settling himself in a little home for which he was paying, stated that he had been earning \$7 a week for two and a half months the previous summer in a Baltimore iron foundry and had given up that rate of wages to go back to Litwalton and the oysterman's life. He claimed, it should be said, that he was averaging \$20 a month for 6 months at oystering.

The next table gives the percentage in different age periods of the Negroes of Litwalton in comparison with Negroes and with other populations elsewhere:

PER CENT IN DIFFERENT AGE PERIODS OF NEGROES IN LITWALTON, SANDY SPRING, AND FARMVILLE, AND OF TOTAL POPULATION IN VARIOUS COUNTRIES.

[The per cents for Litwalton, Sandy Spring, and Farmville are computed from schedules; the others are taken from the United States Census of 1890 and Mayo-Smith's Statistics and Sociology.]

Age periods.	Negroes of Lit- walton. (a)	Negroes of Sandy Spring.	Negroes of Farm- ville.	Colored popula- tion of the United States. (b)	Total popula- tion of the United States.	Population of—		
						Germany.	Ireland.	France.
Under 10 years.....	26.37	31.24	24.57	28.22	24.28	24.2	20.8	17.5
10 to 19 years.....	25.07	24.97	26.86	25.18	21.70	20.7	23.4	17.4
20 to 29 years.....	16.97	12.31	15.35	17.40	18.25	16.2	16.2	16.3
30 to 39 years.....	10.71	9.81	9.79	11.26	13.48	12.7	10.8	13.8
40 to 49 years.....	9.66	8.44	8.32	7.89	9.45	10.4	9.8	12.3
50 to 59 years.....	5.48	5.59	7.84	4.92	6.38	7.8	8.5	10.1
60 to 69 years.....	3.39	4.33	3.84	2.88	3.94	5.2	6.0	7.6
70 years or over.....	2.35	3.31	3.43	2.25	2.52	2.8	4.5	5.0
Total.....	100.00	100.00	100.00	100.00	100.00	100.0	100.0	100.0

*a* Nine persons for whom age but not sex was reported are included in the figures on which these per cents are based.

*b* Persons of Negro descent, Chinese, Japanese, and civilized Indians.

The percentages for the two decades, from 20 to 30 and from 30 to 40, approach nearer the percentages for the Negro population of the United States than in the case of either Sandy Spring or Farmville in spite of the small proportion of young women shown by the comparative table for Litwalton, Sandy Spring, and Farmville just preceding.

For the Whealton part of the district it was found impracticable to go in among the shuckers and interrupt the business of their employers to the extent that would have been necessary to make an individual canvass of the heads of families. Nor was it necessary. One shucking house was substantially a facsimile of the others, and, as the economic account of the employees was the important matter, a reli-

able statement of their general conditions of life was obtained from their employers, as well as the statement of their ages. The pay rolls would give the wages merely; but the interest of the employer did not stop with the payment of the wages, for he found it very desirable to know whom he could carry on the books of his store, when an employee was not prepared to pay cash, and whom he could not safely credit till a future pay day. The result was that the employers or their clerks knew personally every head of family, the number in his family, and whether they were available as shuckers or desirable as store customers.

Of the 441 of these Negro employees and their dependents 340 reported as to sex. Of these, 226 were males and 114 were females. The age and sex details for 110 of them, a little less than one-fourth of the total population, are as given in the following table:

NUMBER OF NEGROES IN WHEALTON FROM WHOM REPORTS WERE OBTAINED, BY AGE PERIODS AND SEX, 1901.

Age periods.	Males.	Females.	Total.	Age periods.	Males.	Females.	Total.
1 to 4 years .....	2	.....	2	50 to 59 years.....	2	3	5
5 to 9 years .....	1	1	a 2	Total.....	66	44	c 110
10 to 15 years .....	9	13	b 22	Age not reported..	d 160	e 70	f 230
16 to 19 years .....	10	4	14	Grand total.	d 226	e 114	g 340
20 to 29 years .....	21	8	29				
30 to 39 years .....	17	11	28				
40 to 49 years .....	4	4	8				

a Not including 2, sex not reported.

b Not including 3, sex not reported.

c Not including 5, sex not reported.

d Including 14, age not reported, but too young to work, probably under 12 years of age.

e Including 26, age not reported, but too young to work, probably under 12 years of age.

f Including 40, age not reported, but too young to work, probably under 12 years of age; but not including 96 children, age and sex not reported. Of the latter number 45 were engaged in shucking oysters, while 51 were too young to work, probably under 12 years of age.

g Including 40, age not reported, but too young to work, probably under 12 years of age; but not including 5 children from 5 to 15 years of age, sex not reported, and 96, age and sex not reported. Of the latter number 45 were engaged in shucking oysters, while 51 were too young to work, probably under 12 years of age.

As might be expected in a transient laboring population, the proportion of males to females was high, about 504 females to every 1,000 males.

#### CONJUGAL CONDITION, BIRTHS, AND DEATHS.

The following table for Litwalton shows that of the 132 males over 15 years of age who returned answers, 59, or 44.7 per cent, were single; 64, or 48.5 per cent, were married; 7, or 5.3 per cent, were widowed, and 2, or 1.5 per cent, were living separated from their wives. Of the 99 women reporting, 24, or 24.2 per cent, were single; 65, or 65.7 per cent, were married; 8, or 8.1 per cent, were widowed; and 2, or 2 per cent, were separated.

## CONJUGAL CONDITION BY SEX AND AGE PERIODS, OF NEGROES OF LITWALTON.

Age periods.	Males.				Females.				Total.
	Single.	Married.	Widowed.	Separated.	Single.	Married.	Widowed.	Separated.	
15 to 19 years .....	22	.....	.....	.....	18	1	.....	.....	41
20 to 29 years .....	33	8	1	.....	2	20	1	.....	65
30 to 39 years .....	1	16	3	.....	2	19	.....	.....	41
40 to 49 years .....	2	17	1	1	.....	12	2	2	37
50 to 59 years .....	1	9	1	1	.....	9	.....	.....	21
60 to 69 years .....	.....	10	.....	.....	.....	1	2	.....	13
70 to 79 years .....	.....	3	.....	.....	.....	1	3	.....	7
80 to 89 years .....	.....	1	1	.....	2	2	.....	.....	2
Age not reported .....	.....	.....	.....	.....	2	2	.....	.....	4
Total .....	59	64	7	2	24	65	8	2	281

This table may be profitably compared with the corresponding table for Sandy Spring. (*a*) In Sandy Spring 33 per cent of the males were single; in Litwalton, 44.7 per cent; in Sandy Spring 60 per cent were married; in Litwalton, 48.5 per cent. In Sandy Spring 49 out of 82 single men, 60 per cent, were under 20 years of age—that is, practically not marriageable; in Litwalton, 22 out of 59, or 37 per cent, are under 20 years of age. The disproportion is noteworthy. In Sandy Spring 31 per cent of the females, or about the same as for the males, were single; in Litwalton, 24.2 per cent, or 20.5 per cent less than for the males; in Sandy Spring, 54 per cent of the females, or 6 per cent less than for the males, were married; in Litwalton, 65.7 per cent, or 17.2 per cent more than for the males. In Sandy Spring 47 per cent of the single females were under 20; in Litwalton, 75 per cent.

The decade from 20 to 30 presents the strongest contrasts. In Sandy Spring, out of 52 men between 20 and 30 years of age, 27, almost 52 per cent, were or had been married, and 48 per cent were single; in Litwalton, out of 42 men, 9, or 21 per cent, were or had been married, and 79 per cent were single. The matter is reversed in the case of the women. In Sandy Spring, out of 83 women between 20 and 30, but 48 or 58 per cent, were or had been married; in Litwalton, out of 23 women, 21 were or had been married.

The decades from 30 on do not seem to call for special mention, unless it be to note that with two exceptions not a Negro woman in Litwalton seems to have escaped matrimony after reaching the discreet age of 30.

It seems that the emigration of the young females from Litwalton has left the supply unequal to the demand, and has put women at a premium among the Negroes of that community.

It is of some interest to compare the Litwalton with the Farmville table of conjugal condition. The decade from 20 to 30 shows for Farmville, as well as for Litwalton, a large excess of unmarried young men, 55 single as against 31 married men. But the cause is not, as in Litwalton, a dearth of marriageable women (*b*), for the table shows 44

*a* Cf. Bulletin No. 32, page 61.

*b* Cf. Bulletin No. 14, page 10; Bulletin No. 32, page 62.

single women and 3 widows as against 54 married women of the same age. But this is not all. If of the "75 servants, mostly young women," in domestic service in Farmville, we suppose that 40 should be properly assigned to this decade, we should then have 87 single women and widows as against 54 married women. Some such proportion would seem to represent the possible conjugal condition at Farmville more accurately than the figures of the table, and it brings out more emphatically the contrast of the Litwalton condition. The excess of the young unmarried men and women in Farmville may be due to town life as compared with country life, but the excess of young unmarried men in Litwalton is evidently due to a lack of women for them to marry.

In the following table the conjugal condition of the Negroes of Litwalton is compared with that of the Negroes of Sandy Spring and of Farmville and of the population of various foreign countries. The table includes persons of 15 years of age or over.

CONJUGAL CONDITION OF THE NEGROES OF LITWALTON, SANDY SPRING, AND FARMVILLE, AND OF THE POPULATION OF VARIOUS FOREIGN COUNTRIES, BY SEX.

[The per cents for Litwalton, Sandy Spring, and Farmville are computed from schedules; those for foreign countries are taken from Mayo-Smith's Statistics and Sociology. The figures for divorced are not shown for the foreign countries. This table does not include 65 persons at Sandy Spring and 75 at Farmville, mostly women in domestic service.]

Civil division.	Per cent of males 15 years of age or over.			Per cent of females 15 years of age or over.		
	Single.	Married.	Widowed.	Single.	Married.	Widowed.
Litwalton.....	44.7	48.5	a 5.3	24.2	65.7	b 8.1
Sandy Spring.....	32.5	61.2	c 3.4	25.1	60.9	d 11.9
Farmville.....	41.9	50.7	e 4.0	32.1	45.4	f 19.4
France.....	36.0	56.5	7.5	30.0	55.3	14.7
Germany.....	40.9	53.7	5.3	36.5	50.8	12.4
Great Britain.....	39.5	54.9	5.6	37.3	50.9	11.8
Hungary.....	31.5	63.7	4.7	22.0	62.8	15.0
Ireland.....	49.3	44.8	5.9	43.5	42.1	14.4
Italy.....	40.9	53.1	6.0	33.2	53.2	13.6

a Also 1.5 per cent separated.

b Also 2 per cent separated.

c Also 2.9 per cent separated.

d Also 2.1 per cent separated.

e Also 3.4 per cent separated.

f Also 3.1 per cent separated.

In the following table the conjugal condition of the Negro population of Litwalton is compared with that of the Negroes of Sandy Spring and of Farmville, and with that of the entire population of the United States. Only persons 20 years of age or over are considered.

CONJUGAL CONDITION OF THE NEGROES OF LITWALTON, SANDY SPRING, FARMVILLE,  
AND OF THE POPULATION OF THE UNITED STATES, BY SEX.

[The per cents for Litwalton, Sandy Spring, and Farmville are computed from schedules; those for the United States are taken from the United States census of 1890. This table does not include 65 persons at Sandy Spring and 75 at Farmville, mostly women in domestic service.]

Civil division.	Per cent of males 20 years of age or over.				Per cent of females 20 years of age or over.			
	Single.	Married.	Widowed.	Divorced.	Single.	Married.	Widowed.	Divorced
Litwalton .....	33.64	58.18	6.36	a 1.82	7.50	80.00	10.00	a 2.50
Sandy Spring .....	15.35	76.72	4.23	a 3.70	14.36	69.31	13.86	a 2.47
Farmville .....	25.00	65.44	5.15	a 4.41	17.30	55.03	23.90	a 3.77
United States:								
Native whites, native parents.	28.54	66.08	4.74	b. 64	18.75	67.88	12.79	b. 58
Native whites, foreign par- ents .....	48.82	48.65	2.25	b. 28	34.83	58.76	6.02	b. 39
Foreign whites..	28.06	65.93	5.51	b. 50	15.39	68.05	16.21	b. 35
Negroes .....	25.01	69.02	5.40	b. 57	15.71	65.02	18.41	b. 86
Total United States .....	30.95	63.83	4.65	b. 57	19.92	66.35	13.19	b. 54

*a* Separated.

*b* Including unknown.

The first of these two tables shows for Litwalton a higher percentage of unmarried males than for any locality or country compared except Ireland; it also shows a lower percentage of unmarried females, Hungary excepted, and a higher percentage of married females.

The second table shows for Litwalton the next to the highest percentage of unmarried males, the lowest percentage of unmarried females, and the highest percentage of married females in the list.

The writer is not in a position to know whether or not these excessive percentages of the conjugal condition found in Litwalton are pervadingly characteristic of the oyster region of the Chesapeake—that is, of the Negro population in that region engaged in taking oysters as a business. The conditions of life already pointed out, particularly the two conditions developed in Litwalton, would seem to affirm the proposition that there is a small immigration of young men and a large emigration of young women. An examination of 38 families, or rather of 38 married couples, for they are not all separate families, tends in the same direction. The women of these 38 couples are all under 40 years of age, 14 of them being between 40 and 31, and 24 between 30 and 18. Eleven of these women are immigrants, imported, so to speak. Of the 38 husbands, 15 are between 52 and 40, 16 between 39 and 30, and 7 between 29 and 20. Several of the husbands are immigrants. It is noteworthy that only 7 women of the decade from 20 to 30 have husbands of the same age. The men marry late because there are not women enough, and the women marry early, as soon as they come back to the neighborhood, or before they can get away.

The writer does not feel that he can speak with much confidence of the results, socially, of this condition of the sexes. Two of the single women under 19 are mothers. Three other women in the neigh-

borhood, of whom one is now married, have a rather large and assorted variety of children, one under 10 years old being the son of a white man. The number of bastards reported, 10 years old or under, was 15, or 13 per cent of the children of that age. This is not believed to be in the least accurate. One of the reasons assigned by more than one father for the absence of the young women of the neighborhood was the desire to protect them, by absence and employment, against licentious importunity. Two of the 18 girls from 16 to 20 years of age were reported as having just returned from the city, where they had been at work; several were working either at home or as helps, and several were reported as simply at home, doing nothing.

One deaf mute and 1 epileptic were reported among the children. An epidemic of measles had passed through the neighborhood just before this investigation was made. In addition a number of persons seemed to consider themselves in poor health. Eight births were reported for the current year, 14 deaths during the same period, and 44 deaths within the past 5 years. These figures are given for what they are worth. If the number of deaths for the year is accurate and represents the average, there would be 70 deaths for 5 years instead of 44.

The medical opinion of the neighborhood is that both tuberculosis and syphilis are alarmingly on the increase among the Negroes; that they spread diseases of the exanthematous, or eruptive type, with great rapidity; that they are more liable to diseases of all kinds than the whites, and that the mortality among them is greater than among the whites.

The proportion of mixed blood in the Negro population of the community seemed to be very large, not less than 75 per cent, perhaps nearer 85 per cent. (a)

The following incomplete report for Whealton is given. It shows that out of 97 males above 15, 40 are single men, or 41.2 per cent; 56, or 57.7 per cent, are married, and 1 is a widower. Out of 75 females, 9, or 12 per cent, are unmarried; 59, or 78.7 per cent, are married, and 7 are widows. Of the unmarried men, 19 or 47.5 per cent, are between 20 and 29 years of age. The 5 whose ages are not reported would probably raise this percentage to between 55 and 60 per cent. No unmarried females are reported as belonging to this decade. This proportion for each sex might be expected under the conditions. The proportion of widows reported, 9.3 per cent of the females, is interesting if not surprising. They are, however, widows with one or

<sup>a</sup> A noteworthy remark in this connection was made by a married woman in reply to the question whether she had been born free or slave. She replied: "I was born free. My mother before me was free. My mother was half white; my father was a white man; and I have just enough Negro blood in me to ruin me." She was the mother of several children.

more children old enough to shuck oysters; and it must be remembered that children of 14 and 15 can soon learn to make more than enough to support themselves at that work. One hundred and five day laborers—marriageable men—were not reported.

CONJUGAL CONDITION, BY SEX AND AGE PERIODS, OF NEGROES OF WHEALTON.

Age periods.	Males.				Females.				Total.
	Single.	Married.	Widowed.	Separated.	Single.	Married.	Widowed.	Separated.	
15 to 19 years	12	.....	.....	.....	8	.....	.....	.....	20
20 to 29 years	19	2	.....	.....	.....	7	.....	.....	28
30 to 39 years	4	13	.....	.....	.....	11	.....	.....	28
40 to 49 years	.....	4	.....	.....	.....	4	.....	.....	8
50 to 59 years	.....	2	.....	.....	.....	2	.....	1	5
Age not reported	5	35	1	.....	1	35	6	.....	83
Total	40	56	1	.....	9	59	7	.....	172

### SCHOOLS AND ILLITERACY.

The Litwalton Negro children have easy access to one school in their neighborhood taught by a woman who is considered a fairly good teacher and a good disciplinarian. The teacher's salary is \$22.50 a month, and the school session is for 7 months. The total enrollment of this school for 1899-1900 was 87, and the average daily attendance was 59. Of the total enrollment 56 children are to be credited to Litwalton, as reported in the schedules.

According to the schedules of the 134 (a) children in Litwalton, between 5 and 15 years of age, inclusive, 54, or 40 per cent, attended school at some time during the year; and of the 177 (a) children between 5 and 20, inclusive, 56, or 32 per cent.

The following table shows the school attendance, by age and sex:

SCHOOL ATTENDANCE, BY AGE AND SEX, LITWALTON.

Age.	Males.		Females.	
	Population.	In school.	Population.	In school.
5 years	4	.....	4	.....
6 years	5	.....	4	.....
7 years	5	1	7	1
8 years	7	2	3	1
9 years	4	2	9	4
10 years	6	2	5	3
11 years	6	5	4	3
12 years	7	6	3	1
13 years	1	1	8	7
14 years	10	6	3	3
15 years	3	2	4	4
Age not reported	9	.....	6	.....
Total	67	27	60	27
16 years	4	.....	3	1
17 years	5	.....	5	.....
18 years	6	.....	7	1
19 years	4	.....	.....	.....
20 years	6	.....	3	.....
Total	25	.....	18	2
Grand total	92	27	78	29

<sup>a</sup> Including 15 children age not reported, and 7 sex not reported.

This table shows a much smaller comparative attendance for Litwalton than for either Sandy Spring or Farmville—40 per cent, as against 65 and 55.9 per cent, respectively, for children from 5 to 15, and 32 per cent, as against 59 and 46 per cent, respectively, for children from 5 to 20.

A few more girls than boys proportionally, the same number actually, attend school up to 15, inclusive. After that age, out of 25 males and 18 females of school age only 2 females are reported as having been to school during the session.(a)

Here, again, the contrast is sharp between Litwalton on the one hand and Sandy Spring and Farmville on the other. The girls stay at home without special employment in many cases, or go off to the cities. The boys can make money by oystering. Both drop out of school, having gotten what they want, the ability to read and to write. The spur of environment is lacking. The race, living more to itself than in either Sandy Spring or Farmville, seems indisposed to assimilate what is beyond its immediate needs. The girls who go to the city acquire the education of contact, and doubtless bring it back to Litwalton if they return. Why should a man disquiet himself in vain seems a very fundamental part of the life philosophy of the Litwalton Negro.

The table for length of school attendance is practically the same as for Farmville, and shows a higher percentage apparently than the one for Sandy Spring, but the longer term for Sandy Spring, 9 months, must be borne in mind.

LENGTH OF SCHOOL ATTENDANCE OF CHILDREN OF LITWALTON FROM 5 TO 15 YEARS OF AGE, BY SEX.

School attendance.	Males.	Females.	Total.	Per cent.
Under 3 months.....	1	5	6	11.11
3 or under 7 months.....	13	6	19	35.19
7 months.....	13	16	29	53.70
Total.....	27	27	54	100.00

There is no table for school attendance above 15. It is practically nonexistent.

The census of the school population at different dates throws some light upon the Negro population of Litwalton, and therefore the following statistics are given. They are taken from the reports of the county superintendent of schools:

In 1885 the total school population of the county was 2,505, 928 white and 1,577 colored; in 1890 it was 3,151, of whom 1,201 were white and 1,950 colored; in 1895 it was 3,523, of whom 1,342 were white and 2,181 colored; in 1900 it was 3,683, of whom 1,483 were white and 2,200 colored. This increase of about 60 per cent in the white school population

a The school report gives only one pupil, sex not stated.

as against an increase of about 40 per cent in the colored school population since 1885 seems to indicate an immigration of whites either without any corresponding immigration of Negroes or with a corresponding emigration of Negroes. The oyster industry would cause a certain concentration of white operators in the county without producing a corresponding concentration of Negro operatives, since they are transient.

Of the total 3,683 school children there were 1,687 enrolled, of whom 790 were white and 897 colored. The average monthly enrollment was 1,399, consisting of 661 white and 738 colored. The average daily attendance was 929.50, consisting of 473.85 white and 455.65 colored. The per cent of white school population enrolled was 53.27; of colored school population, 40.77. The per cent of white school population in average attendance was 31.95; of colored 20.71. The per cent of attendance of monthly enrollment was 71.69 for the whites and 61.74 for the colored. These figures show an unsatisfactory condition of public instruction for the Negroes, so far as their endeavor to take advantage of their opportunities goes. They show also some discrepancy as compared with the schedules.

The cost to the county of tuition per month per pupil enrolled was 53 cents, or \$3.35 for the session; the whole cost of public instruction per month per pupil enrolled was 64 cents, or \$4.05 for the session. The average cost to the 3 school districts of tuition per month per pupil enrolled was 80 cents for whites, or \$5.07 for the session, and 31 cents for colored pupils, or \$1.96 for the session. The average cost to the 3 districts of tuition per month per pupil in daily average attendance was \$1.36 for whites, or \$8.61 for the session, and 63 cents for colored pupils, or \$3.99 for the session.

Litwalton is in the White Chapel district. The school population of the White Chapel district in 1885 was 868, of whom 242 were white and 626 colored; in 1890 it was 1,044, of whom 298 were white and 746 colored; in 1895 it was 1,125, of whom 354 were white and 771 colored; in 1900 it was 1,181, of whom 447 were white and 734 colored. While the white school population of this district increased from 242 in 1885 to 447 in 1900, about 85 per cent, the Negro school population increased only from 626 in 1885 to 734 in 1900, a little over 17 per cent. This seems to indicate emigration of the Negro population of the school age.

There were in this district, in 1900, 6 white schools and 4 colored schools, and the session was for 7 months. There were 11 teachers, of whom 2 males and 5 females were white and 4 females colored. The average monthly salaries were \$30 for white males, \$28.50 for white females, and \$22.50 for colored females.

In the Litwalton neighborhood of this district there were 3 schools, 2 white and 1 colored. The cost of instruction in these 3 schools was

presumably the same as the average cost for the 10 schools of the district, which was 90 cents tuition per month per pupil enrolled for white pupils, or \$6.30 per session, and 28 cents for colored pupils, or \$1.96 per session. The tuition per month per pupil in daily average attendance was \$1.47 for white pupils, or \$10.29 per session, and 55 cents for colored pupils, or \$3.85 per session.

The colored school for Litwalton (*a*) had a total enrollment for 1899-1900 of 87, of whom 40 were boys and 47<sup>a</sup> girls; an average monthly enrollment of 76, of whom 32 were boys and 44 girls, and an average daily attendance of 59, of whom 26 were boys and 33 girls. Here, again, a discrepancy is to be noted between the school report and the schedules. Bearing this margin of doubt in mind, there are, according to the schedules, 56 of these 87 enrolled pupils to be credited to the Litwalton neighborhood—a little over 64 per cent. The 59 pupils constituting the average daily attendance cost the county and State, at \$3.85 each, \$227.15 for the session of 1899-1900. Of these 59 pupils about 38 belonged to the neighborhood investigated, and, at \$3.85 each, cost \$146.30 for their instruction.

The State school tax (used for pay of teachers only), the county school tax (used for pay of teachers only), and the district school tax (used for school expenses), are each 10 cents on the \$100—a combined school rate of 30 cents on the \$100 of property. The reported assessed property of the Negroes of Litwalton, real and personal, according to the schedules, amounts to \$9,311, on which the tax rate of 30 cents on the \$100 would yield \$27.93. This amount, \$27.93, is \$5.43 more than the salary of their teacher for one month (\$22.50 per month, or \$157.50 per session), and is 19 per cent of the cost (\$146.30) of the instruction of their children in this school. The county and district tax for the White Chapel district amounted for this school year to \$583.32. Of this amount the Negroes of Litwalton contributed \$18.62.

The yield of the county and district tax for the 3 districts in 1900 was \$2,017.15. The levy for 1901 is for \$2,100.

The foregoing statistics in regard to the schools of the county and of the district in which Litwalton is situated, have been cited for a two-fold purpose—to throw light upon the attitude of the whites toward Negro education, and to emphasize the attitude of the Negroes themselves toward the schools. The statistics cited, taken from a typical, remote country district, illustrate, in part, the causes of the attitude of the two races toward the problem of Negro education.

With regard to the Negroes themselves, the statistics for Litwalton and for Lancaster County show, or seem to show, that they are indifferent to the instruction given them in the public schools after they

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*a* Report of teacher of colored public school No. 1, White Chapel district, for term ending April 20, 1900.

have acquired the limited ability to read and write, for they then go at something else, while still in age schoolboys and schoolgirls. It is not merely the need to work that keeps them away, for they are reported as being unoccupied at home. Their parents keep them at home on any trifling pretext, or send them away where they can learn or begin their life work.

But it must be borne in mind that there is always danger in broad generalization from narrow premises, and the indications from Litwalton may not be so characteristic as they seem.(a)

As to schools and schooling, neither Sandy Spring nor Farmville are typical of the most usual conditions of Negro life in the South. Litwalton is much more so. The length of school term and the expense per capita are much lower than at Sandy Spring. The quality of teaching is doubtless much below that at Farmville.

The following table shows the degree of illiteracy by sex and age periods:

LITERATES AND ILLITERATES, BY SEX AND AGE PERIODS, LITWALTON.

Sex and age period.	Able to read and write.	Able to read.	Illiterate.	Not reported.	Total.
MALES.					
10 to 20 years .....	28	5	11	14	58
21 to 30 years .....	24	4	11	1	40
31 to 40 years .....	13	1	12	.....	26
41 years or over .....	12	2	24	.....	38
Age not reported .....	1	.....	.....	3	4
Total males.....	78	12	58	18	166
FEMALES.					
10 to 20 years .....	32	1	5	7	45
21 to 30 years .....	13	2	9	.....	24
31 to 40 years .....	9	1	10	1	21
41 years or over .....	1	.....	27	.....	28
Age not reported .....	.....	.....	2	.....	2
Total females.....	55	4	53	8	120
BOTH SEXES.					
10 to 20 years .....	60	6	16	21	103
21 to 30 years .....	37	6	20	1	64
31 to 40 years .....	22	2	22	1	47
41 years or over .....	13	2	51	.....	66
Age not reported .....	1	.....	2	3	6
Total, both sexes .....	133	16	111	26	286

Of the 260 persons reporting in this table, 51.2 per cent could read and write, 6.1 per cent could read but not write, and 42.7 per cent were illiterate. Of the Farmville Negroes reporting 42.5 per cent could read and write, 17.5 per cent could read but not write, and 40 per cent were illiterate. In Sandy Spring 69.9 per cent could read

(a) See the article, "The Broken Necklace," by Mr. R. T. Hill, on the West Indies and their Negro population, Century Magazine for May, 1901, p. 55. He found everywhere evidences of retrogression among the West India Negroes and nowhere among them real illiteracy.

and write. The issue of the war did not inject into Litwalton, as into Sandy Spring, a mass of immigrants much more ignorant than the natives, and consequently the remark of the Farmville investigator may be applied to Litwalton: "If we divide the population into four classes \* \* \* we can trace the steps of advance by the decreasing amount of illiteracy." The percentage of illiteracy for those over 41 is 77; for those between 31 and 40 it is 48; for those between 21 and 30 it is 32; for those between 10 and 20 it is 20, those not reported being omitted in calculating these per cents. After omitting those not reported, we find the percentage of illiteracy for those from 10 to 30 years of age to be, for males, 26.5; for females, about 23, and the percentage of illiteracy from 10 to 20 years of age for males, 25; for females, 13.

Of 101 Negroes reporting at Whealton 42.6 per cent could read and write, 1 per cent could read but not write, and 56.4 per cent were illiterate. It will be noticed that the percentage of illiteracy was much higher than at Litwalton. Of 59 males, 27 were literate and 32 were illiterate; of 42 females, 17 were literate and 25 were illiterate. Of males between 10 and 30 reporting on this subject, 44 per cent were illiterate; of females, 48 per cent. Of males between 10 and 20, 69 per cent were illiterate; of females, 31 per cent. The numbers in this group are too small to do more than give indications. They seem to show the bad effects educationally of the nomad life of the oyster shucker. The investigator does not think the figures for Whealton sufficiently reliable to be worthy of any special consideration.

#### LITERATES AND ILLITERATES, BY SEX AND AGE PERIODS, WHEALTON.

Sex and age periods.	Able to read and write.	Able to read.	Illiterate.	Not reported.	Total.
MALES.					
10 to 20 years .....	5	.....	11	5	21
21 to 30 years .....	18	.....	7	.....	25
31 to 40 years .....	2	.....	10	1	13
41 years or over .....	1	.....	3	.....	4
Age not reported .....	1	.....	1	.....	2
Total males .....	27	.....	32	6	65
FEMALES.					
10 to 20 years .....	9	.....	4	3	16
21 to 30 years .....	4	.....	8	1	13
31 to 40 years .....	1	1	7	.....	9
41 years or over .....	1	.....	3	.....	4
Age not reported .....	1	.....	3	.....	4
Total females .....	16	1	25	4	46
BOTH SEXES.					
10 to 20 years .....	14	.....	15	8	37
21 to 30 years .....	22	.....	15	1	38
31 to 40 years .....	3	1	17	1	22
41 years or over .....	2	.....	6	.....	8
Age not reported .....	2	.....	4	.....	6
Total, both sexes .....	43	1	57	10	111

## OCCUPATIONS AND WAGES.

The occupations of Litwalton are those incident to oyster tonging and to farming on a small scale. Neither the neighborhood nor Lancaster County grows enough grain for its own consumption. There seems to be little or no export of fowls or eggs, small fruits, butter, or any other by-product of the farm. Whatever is made is consumed on the spot. Indian corn is rarely ever below \$3 a barrel.

The total Negro population above 10 years of age can be divided, by something of a stretch of the terms, into professional, 1; domestic (including housewives and helps), 80; agricultural, 26; industrial, 4; trade, meaning the oyster industry, 104; not engaged in gainful occupations, 40; not reported, 30.

Following the other classification used in the Farmville report, we have those working on their own account, 68; laboring class, 67; house service (including housewives and helps of both sexes employed by Negroes), 67; day service (including also some housewives), 13; at home, unoccupied, and dependent, 40; not reported, 30.

The following table shows the occupations by sex and age periods:

OCCUPATIONS, BY SEX AND AGE PERIODS, OF NEGROES OF LITWALTON.

Occupations.	10 to 15 years.	16 to 20 years.	21 to 30 years.	31 to 40 years.	41 years or over.	Age not reported.	Total.
MALES.							
Boat builders and carpenters.....				a 1			a 1
Boy help.....						3	3
Captain of buying boat.....					1		1
Carpenters.....				1	2		3
Farmers.....				1	7		8
Farm hands.....		1		2	2		5
Laborers.....	2	1	1	1	5		9
Oyster cullers.....	5	1					6
Oyster hands.....	4	12	12				28
Oyster measurers (shucked oysters).....				1			1
Oyster men.....		4	28	b 16	17		b 65
Oyster shuckers and farmers.....				1			1
Plasterers and well diggers.....					1		1
Teamsters and farmers.....				2	2		4
Undertakers.....				a 1			a 1
Not reported.....	6	4		1			11
At home.....	1				1		2
At school.....	17						17
Total males.....	33	24	41	26	38	3	165
FEMALES.							
Day workers.....		1		1			2
Day workers and housewives.....			2	5	4		11
Helps.....	2	2					4
Housewives.....		4	16	9	17	2	48
Nurses (monthly).....					1		1
Shuckers and housewives.....			2				2
Washerwomen and housewives.....			2	5	5		12
Not reported.....	6	10	2	1			19
At home.....	1	1			1		3
At school.....	18						18
Total females.....	27	18	24	21	28	2	120
Total males and females.....	60	42	65	47	66	5	285

<sup>a</sup> Counted also among oyster men.

<sup>b</sup> Including 1 who is also a boat builder, carpenter, and undertaker.

In the following tables the Negroes of Litwalton are compared with the Negroes of Sandy Spring and of Farmville, and with the population of the United States, as regards the percentage engaged in certain classes of gainful occupations:

PER CENT OF NEGROES OF LITWALTON, OF SANDY SPRING, OF FARMVILLE, AND OF TOTAL POPULATION OF THE UNITED STATES AT WORK, ENGAGED IN EACH CLASS OF GAINFUL OCCUPATIONS.

[The figures for Litwalton, for Sandy Spring, and for Farmville are from schedules; those for the United States are from the census of 1890. This table does not include 65 persons at Sandy Spring and 75 at Farmville, mostly women in domestic service.]

Classes of occupations.	Negroes of Litwalton.				Per cent in Sandy Spring.	Per cent in Farm- ville.	Per cent in United States.
	Males.	Females.	Total.	Per cent.			
Agriculture.....	26	.....	26	12.09	45.48	2.30	39.65
Professional service .....	.....	1	1	.47	2.76	3.38	4.15
Domestic and personal service.....	3	77	80	37.21	43.97	47.31	19.18
Trade and transportation .....	a 102	a 2	a 104	48.37	1.51	7.22	14.63
Manufactures and mechanical industries .....	4	.....	.4	1.86	6.28	39.79	22.89
Total .....	135	80	215	100.00	100.00	100.00	100.00

*a* All engaged in oyster industry.

A glance at the Litwalton table of occupations reveals a strong contrast as compared with the Farmville and Sandy Spring tables. (*a*)

THE PROFESSIONS.—As against 22 professionals in Farmville and 12 in Sandy Spring, including 5 monthly nurses, the only professional for Litwalton is the very doubtful case of an old monthly nurse. There are said to be others in the community, but they were not so reported. One preacher and one female teacher officiate in Litwalton, but do not live within its borders.

THE ENTREPRENEURS.—Nothing was learned of the existence of any barber, blacksmith, huckster, restaurant keeper, shoemaker, store-keeper, painter, wheelwright, seamstress, mail contractor, or mail carrier among the Negroes of Litwalton. Either the occupations did not exist, or, for some reason, those reporting did not choose to admit that they were so employed. We should certainly expect to find seamstresses and shoemakers or menders of shoes in such a community; but cheap clothing, rubber boots, and cheap shoes go far to do away with these avocations. With money quickly made and quickly spent by the oystermen, one would expect also that there would be Negro merchants, particularly grocers. There were none. The explanation given by a white man of long observation and experience of the local Negro habits and nature was that, in the way of trade, "the Negro would not go where the white man did not go." This explanation seemed generally true so far as Litwalton was concerned, although it was hinted that several "speak easies" or "blind tigers" kept by Negroes were not without a good share of Negro patronage.

*a* Cf. Bulletin No. 14, page 15, and Bulletin No. 32, page 71.

FARMERS.—The real entrepreneurs are found among oystermen and farmers. The number of farmers and others engaged in farm work might be increased from 26 to 71, if the oystermen also engaged in farming were included; but farming is subordinate in interest and in value to the oystering, in which these men are also engaged.

One of the farmers has 2 yoke of oxen and a "carry-log," with which he has done a great deal of hauling for the sawmills. He owns 144 acres of land and is prospering. The farmers are, however, chiefly old men who work on their own small places, some having pensions from the Government, some having sons or sons-in-law who are oystermen making fairly good wages.

FARM AND COMMON LABORERS.—The teamsters who drive for the lumbermen get from \$12 to \$18 per month. The few farm hands make from \$6 to \$10 a month. The common laborers live from hand to mouth, and are chiefly elderly or old men who take odd jobs of various kinds.

OYSTERMEN.—Two of the oystermen who are prospering farm an adjoining piece of land on the river front, upon which they raise good crops. One of them stated that within the last few seasons his share of one corn crop was 100 barrels, and corn sells usually for \$3 and upward a barrel. One of these men owns 12 acres of land valued at \$300, with his house and small outbuildings; a boat worth about \$50, and a horse, cow, buggy, road cart, pigs, and chickens. He has a family of 8. He probably makes \$250 a year oystering. The other man owns 23 acres of land, quite a roomy house, a good-sized barn, other outbuildings, a horse, a buggy, 2 cows, pigs, chickens, and 2 boats worth \$100. He has a family of 10, including his widowed mother and a youth of 18, to whom he pays \$6 a month during the oyster season of 8 months. With a good season he might easily make \$500 a year from oystering. Another oysterman owns his house and lot of 10 acres, valued by him at \$600, and has a horse, road cart, cow, and 2 boats worth \$150. He has a family of 4, including his widowed mother and 2 young men of 18 and 22, to whom he pays \$8 and \$12 respectively during 8 oyster months, and \$3 apiece during the other 4 months. He probably clears several hundred dollars a year.

The most successful Negro in the community lives in a six-room house, which he owns, together with 61 acres of land, a barn and stable, and a small occupied tenant house. His real property is assessed at nearly \$500. He has 2 cows, a horse, buggy, pigs, and fowls. He owns two boats and has 6.8 acres of oyster planting ground leased from the State and partly stocked. In addition to his farming and oystering operations he is a carpenter and a builder of boats, for which he gets about \$100 each. He also keeps a small undertaker's establishment, the only one in the neighborhood, and he can easily get coffins from Baltimore by the steamers. He has a family of 15 persons, 9 in his immediate family, including an adopted son of 14, and

6 hands, ranging from 15 to 29 years, to whom, in addition to board and lodging, he pays wages averaging from \$4 to \$8 a month. His income is probably not under \$1,000 a year. He is one of the few cases in which the trade of the father has been handed on to the son, and he is an excellent illustration of the value to the competent Negro of industrial training. His father was a slave, and he himself was born a slave during the war. He is 39 years old.

Half a dozen names would include all those who are doing more than making a bare living for themselves and their families; although the men cited show that it is easy for an industrious man to do more.

The majority of the oystermen reported \$8 a month during the oyster season of 8 months as their average earnings. The average rose, for some of them, to \$10, \$12, \$15, \$20, for the season. Four dollars a month for the other 4 months was the report in the majority of instances. These estimates would be altogether too low but for the habit of the men. Their custom is to work until they get a supply of money for present needs and then to idle on a small pretext, or on no pretext at all, until the need for funds becomes urgent again. What they could readily do is shown in the case of 10 young men who are employed by an oyster planter and shipper of the neighborhood. Three of these young men are under 20 years of age. They average \$12.10 for 8 months and \$6.30 for 4 months. One, who has a boat and also a horse and buggy, makes \$25 a month for 8 months and \$10 a month for 4 months. Any other good oysterman of the community, owning his boat, could make as good or better wages than the last-mentioned young man if he chose to work steadily at his business. (a)

Five of those classed under oystermen are connected with the oyster industry at Whealton. One is a laborer employed the year round about the oyster house at \$5 a week, and his wife is an oyster shucker who makes about \$2.50 a week for 7 months. Together they get between \$325 and \$350 a year. They are 30 and 28 years old, and have one child. A second, 35 years old, and his wife, 30 years old, shuck oysters for 7 months in the year at \$12 a week, and for 5 months farm his 3-acre farm, valued, with house, at \$150. They probably take in from \$375 to \$400 a year. A third is the receiver and measurer of the oysters shucked in his employer's establishment by about 100 people. His wages are \$6 a week for 12 months, or \$312 a year. He has a wife and three children, and owns a horse and buggy. A fourth has a wife and two children. He is an oyster buyer for his employer and is the captain of a boat worth \$500, with a crew of from 2 to 4 men. He is trusted with a good deal of money. His wages are about \$350 a year. The fifth is a carpenter and oyster shucker, has a wife

a An illustration will show how these men really value their time in a good oyster season. Some years ago a butler was needed for a wedding breakfast in the neighborhood. There were plenty of men, but none to be had to serve for this part of a day, until finally one was induced to officiate for \$4—about \$1 an hour.

and two children, and keeps a servant girl. His house is well furnished. His wages are about \$400 a year. He is 35 years old, came with his present employer from Maryland 5 years ago, and has been with him ever since.

TRADES AND INDUSTRIES.—The 3 carpenters enumerated, in addition to the 2 under the head of oystermen, are all old men and profess to make very meager wages, the highest earning not more than \$150 a year, the lowest about \$30. The plasterer and well digger is also an old man and makes small wages. They all own their homes and lots. No apprentices were reported.

CLERICAL WORK.—The only instance of clerical work that came under observation was that of a young man who had, the previous day, given himself in as an oysterman and farmer with earnings of less than \$100 a year, although he was the joint owner with his two brothers of 60 acres recently bought and assessed, with the old house on it, at nearly \$400. He appeared as the soliciting agent of the Benevolent and Relief Association, chartered under the laws of Virginia in 1898, with headquarters in Richmond, Va., and 17 branch offices in Virginia, Florida, Georgia, the District of Columbia, and Mississippi. It has a capital stock of \$50,000, and has two departments, an insurance and relief department and an endowment or savings department. Its officers and managers are all Negroes. The young man reported some progress in securing members in the community, but the date of his appointment was too recent for him to be able to make a report of any value. One of the branch offices is in Lancaster County. The matter is of interest.

DOMESTIC SERVICE.—As has already been said, domestic service for the whites of the neighborhood is conspicuous by its absence and the help system of the Negroes is not sufficiently developed to make it matter of more than mention. Thirteen women report themselves as day workers, and 12 more as washerwomen. About 50 cents a day seems to be the prevailing rate reported. The rates of wages for domestic work seem to be low. Perhaps better wages might bring more and better service; but this is not at all certain, for most of the Negro women of the neighborhood are married and live in their own homes. Those not so living would be likely to be but indifferent servants at any wages. The absentee habit of the young women destroys the probability and almost the possibility of good domestic service in the community. Of the 77 women enumerated under the class of domestic and personal service, 61 are wives, 7 are widows, 2 are separated, and 7 are single. They work chiefly at home.

Of the criminal aspects of the Litwalton Negroes it may be said, as in the case of Sandy Spring, "it is difficult to speak with any exactness except to say that there is not much overt crime." There have been no convictions for grave offenses against the law within very

recent years. There is believed to be a constant stealing of oysters from the planting grounds, and a constant attempt to evade the law against taking oysters under size from the natural beds. A great deal of drinking is done. The opportunity for sexual immorality is diminished by absence from the neighborhood of the young unmarried women, many of whom, as has been noted, are sent or are allowed to go into domestic service in the cities in the hope, on the part of their parents, of freeing them from temptations to which they would be subject at home. This is the other horn of the dilemma as compared with the anxiety of the Sandy Spring mother who wished to keep her girls at home for fear of their lack of restraint and protection away from home.(a)

The men of Litwalton can all find employment during the oyster season. In the summer many of the younger ones go into the upper counties of Virginia and into Maryland, or into the manufactories of the cities, or as waiters in the seashore hotels, where they make money enough to take their ease during the rest of the year. It is doubtful if the unemployed as a distinct class can be said to exist among them. No definite information was obtained with regard to gambling among the Litwalton Negroes.

The following table shows the occupations for Whealton. The tabular form is used here for the purpose of emphasizing the predominance of the oyster industry:

#### OCCUPATIONS, BY SEX AND AGE PERIODS, OF NEGROES OF WHEALTON.

[In addition to the oyster shuckers reported in this table, there were 45 whose sex and age were not reported.]

Occupations.	10 to 15 years.	16 to 20 years.	21 to 30 years.	31 to 40 years.	41 years or over.	Age not re- ported.	Total.
<b>MALES.</b>							
Day laborers .....		1		2	1	105	109
Oyster shuckers .....	8	11	24	12	3	41	99
Preachers .....				a 1			a 1
Not reported .....	1						1
Total males .....	9	12	24	14	4	146	209
<b>FEMALES.</b>							
Domestic service .....			1	1		2	4
Housewives .....	1					2	3
Oyster shuckers .....	8	4	11	8	4	40	75
Washerwomen and housewives .....			1				1
Not reported .....	3						3
Total females .....	12	4	13	9	4	44	86
Total males and females .....	21	16	37	23	8	190	295

a Counted among oyster shuckers.

Of the Whealton workers reporting their occupations and sex 8, or 2.75 per cent, are classed as doing domestic work; 109, or 37.46 per cent, as day laborers and oyster cultivators; and 174, or 59.79 per cent,

a See Bulletin No. 32, page 79, note.

as oyster shuckers. Including the day laborers, 97.25 per cent are engaged in the oyster industry. One local preacher is enumerated among the oyster shuckers.

Under day laborers are included many who usually have work of an industrial or other kind. They are the carpenters, who look after the casks used for shipping oysters, and work on boats, buildings, and so on; boatmen or sailors; tongsmen for taking or transplanting oysters, and others; but at any time they may do mere manual labor or be turned into shuckers. They will average about \$6 a week in wages.

It will be observed that, according to the imperfect report obtained, this population gets along with a minimum of housekeeping and washing. They live on supplies obtained from the stores of their employers, and under the modern system of canned meats and vegetables but little housekeeping is needed for people living under the conditions of Whealton. The washing is probably done by the wives and mothers of the families in the intervals of their work as shuckers.

The oyster shuckers are the entrepreneurs of this community, and some of them make excellent wages. Some specimen families are given below. They have their homes in Somerset County, Maryland. The first family consists of 10 persons, the man and his wife each 35 years of age, and 8 children, ranging from 16 down to 5 or 6 years of age. The first 4 children, all sons, shuck with their father and mother. The family of 6 shuckers averages \$25 a week for the season. For the 4 weeks preceding February 1, 1901, the family made \$30.90, \$44.95, \$34.90, and \$18.20, an average of \$32.24 for those weeks. The man owns a horse and buggy, and has owned for 2 years a house and land worth \$500. He has been working with his present employer for 5 years at Whealton. At an average of \$25 a week for 7 months, his income for the winter's work would be about \$750.

Another family of 7, with 5 shuckers and 2 small children, averages \$25 a week, and owns a horse, a mule, a buggy, and a house and land valued at \$300. The amounts earned for 6 weeks were \$19.40, \$26.57, \$21.93, \$43.50, \$25.48, and \$38, an average of \$29.15.

A family of 4, consisting of a widow and 2 sons and a daughter, from 19 to 15 years old, all shuckers, average \$15 a week, or \$450 for 7 months. They own a house and lot worth \$300. Their average for 10 weeks was \$18.87.

Another family of 8, containing 5 shuckers, has a remarkable record. The husband and father, old and inefficient, is left at home. The mother is 55, and the children range from 21 down to 11. The 3 little girls take care of the house and cook. The mother and 4 children, 2 sons and 2 daughters, average \$18 a week shucking oysters (the average for 9 weeks was \$22.31), in addition to which the family

receives \$10 a week from boarders, a total of \$840 for 7 months' work. The family owns a horse and buggy, and has owned for 10 years a house and lot valued at \$600. During the summer months the woman keeps a store in Maryland. The woman worked with her present employer in Maryland, and has been with him for 5 years in Whealton.

A family of 12—father, mother, and 10 children, from 15 down—contains 4 shuckers (man, wife, and 2 daughters of 15 and 14), who average \$18 a week, a total of \$540 for the 7 months. They own no property, have no money to speak of left over at the end of the season, and try to get advances during the summer. Such a family should easily have something left over out of \$75 a month.

A family of 5, consisting of a widow with 4 children, the oldest a girl of 12 years and a shucker, averages \$4 a week, or \$120 for the season. A family of 2, a woman and her child of 5, makes \$3 a week, or \$90 for the season. Eighteen young single men average from \$180 to \$210 for the season, and could make more. None of them are reported as property holders.

The cases cited are all from the same establishment, which is typical of all three. These families pay \$2 a month rent for their houses. Only one family among the shuckers at Whealton, a single woman, is reported as making as little as \$2 a week. The average earnings per family per week for the 3 establishments (a season of 7 months for two establishments and of 6 months for the third) are about \$9, or \$270 a season for two establishments and \$225 for the third. Of the 77 economic families of shuckers, 24 are reported as owning \$7,100 worth of property. As no report on this subject was made for one of the establishments—that is, for about one-third of the families—the real proportion would seem to be 36 out of 77 families and about \$10,600 of real property.

#### MOVEMENT OF LABOR.

It was not practicable, as in the case of Sandy Spring, to carry out satisfactorily for Litwalton an investigation of the movement of labor. The absence of the domestic service, the small number of farm hands, and especially the fact that so large a number of the adult males were engaged in the irregular life of the oysterman, all militated against obtaining any results especially worth recording and tabulating. A great difference in the results of the work of the thrifty and of the shiftless oysterman has already been noted. The shiftless Sandy Spring worker changes his place; the shiftless Litwalton oysterman simply stops work. The errant idleness of the Sandy Spring farm hand may be tabulated; that of the Litwalton oysterman may not.

Of 102 oystermen, 68 were working on their own account, and 34 were employees. Of the 68, 33 between 10 and 40 years of age had

been at work under the same conditions during the year—presumably since they had taken up the work—and 16 were not reported; 15, who were 41 years old or over, had been at work, and 4 were not reported. Of 34 oyster hands, including tongsmen and cullers, all under 41 years of age, 19 had worked at the same place, 4 had been at two places, 1 had worked at several places, and 10 were not reported.

No separate report is necessary for the women, the majority of whom are at work in their own homes.

The following table shows for Litwalton the length of present residence by families:

LENGTH OF PRESENT RESIDENCE OF LITWALTON FAMILIES.

Length of residence.	Owners.	Renters.	Tenure not reported.	Total.
1 to 2 months .....	1	2	.....	3
2 to 4 months .....		1	.....	1
4 to 6 months .....	1	.....	.....	1
6 to 12 months .....		1	.....	1
1 to 2 years .....	2	7	1	10
2 years .....	3	5	.....	8
3 years .....	2	2	1	5
4 years .....	5	2	.....	7
5 to 10 years .....	12	6	.....	18
10 to 20 years .....	13	4	1	18
20 years or over .....	3	1	1	5
Not reported .....	1	3	1	5
Total .....	43	34	5	82

This table relating to the length of tenure of the particular dwelling occupied as owner or renter does not of course agree with the statement of the length of residence in the community given heretofore. (*a*) Sixty-five families reported that they had been in the neighborhood for more than 21 years. The discrepancy is probably due in a large measure to the understanding on the part of the Negroes that they became owners of their property only when they had finished paying for it. If this be so, it would seem to indicate that more Negroes in Litwalton were buying homes 10 years ago than now. Of the 34 renters reported, 6 are buying property and 2 are simply care-takers. This would increase the number of owners to 49, and diminish the actual renters to 26. The heads of families included in this list would be classed as follows: Fifty-two oystermen, of whom 27 are owners, 5 are now buying and are included among renters, 18 are renters, and 2 are not reported; 11 farmers, of whom 6 are owners, 1 is buying, 3 are renters, and 1 is not reported; 10 laborers, of whom 4 are owners, 5 are renters, and 1 is not reported; 3 carpenters, of whom 2 are owners and 1 is a renter; 1 plasterer and owner; and 5 women, of whom 3 are owners, 1 is a renter, and 1 is not reported. Of the 30 families whose heads are not oystermen, 13 include oystermen among their members, so pervasive and important is the oyster interest to these people.

The oldest shucking establishment has been in operation at Whealton for 5 years. The following table, though imperfect, shows the

tendency of the shuckers to return to their good wages year after year. The table gives the length of local service of the oyster shuckers as far as reported.

## LENGTH OF LOCAL SERVICE OF WHEALTON OYSTER SHUCKERS, BY SEX.

Sex.	Worked at the same place for—							Total.
	5 years.	4 years.	3 years.	2 years.	1 year.	Less than 1 year.	Not reported.	
Males .....	34	5	2	.....	7	5	14	67
Females .....	14	5	.....	.....	8	4	8	39
Total.....	48	10	2	.....	15	9	22	106

Those not reported consist in large measure of the children of the heads of families reported and chiefly of those heads of families reported under the 5-year period. Some of these children, however, have been themselves shucking for several years.

Of the 106 persons herein reported, 48, or more than 45 per cent, have been working at the same place for 5 years, and 60, or more than 56 per cent, have been so working for 3 years or over. If the children learning to work with their parents were included in this enumeration, the percentage for the 3-year period would undoubtedly be larger. It must be remembered also that the oldest shucking firm started to work 5 years ago with a much smaller number of hands than are now employed, so that the 48 hands reporting under the 5-year period represent more than the apparent 45 per cent of the whole number reported for this period. This reasoning is borne out by the experience of the other firms who also keep their hands one season after another, if they are satisfied with the work of the hands.

Of the 68 Litwalton oystermen working on their own account and having every incentive to regular work, 20, almost a third, did not report as to length of employment at the same place. The 48 Whealton shuckers reporting for the 5 years seem, from what has been said, to represent a much higher percentage of continued work than the 68 Litwalton tongers. The Litwalton oyster tonger can, in the opinion of his neighbors, make more money if he chooses than the oyster shucker. The average Litwalton oysterman reports his earnings at about \$8 a month during the season; the average Whealton shucker, male or female, is reported as earning about \$9 a week during the season. The contrast is striking. It seems to show of how much greater value to the "oyster Negro" is controlled and directed employment as compared with his own irresponsible and self-directed labor. (a)

a See Farmville Report, Bulletin No. 14, page 22.

## ECONOMICS OF THE FAMILY.

As in the Sandy Spring report, the attempt is made to carry out for Litwalton the schedule suggested and partly carried out for the Farmville Negro families according to three conceptions of the word "family," viz:

1. The possible family, i. e., the parents and all children ever born to them living.
2. The real family, i. e., the parents and all children living at present.
3. The economic family, i. e., all persons, related and unrelated, living in one house under conditions of family life.

The following table gives the number of Litwalton Negro families, by size:

NUMBER OF LITWALTON NEGRO FAMILIES, BY SIZE.

Size of family.	The possible family.		The real family.		The economic family.	
	Families.	Persons.	Families.	Persons.	Families.	Persons.
1 member .....	8	8	8	8	5	5
2 members .....	11	22	13	26	8	16
3 members .....	11	33	13	39	15	45
4 members .....	7	28	8	32	17	68
5 members .....	5	25	14	70	7	35
6 members .....	5	30	7	42	7	42
7 members .....	4	28	10	70	8	56
8 members .....	8	64	11	88	7	56
9 members .....	7	63	2	18	3	27
10 members .....	11	110	1	10	3	30
11 members .....	1	11	3	33	1	11
12 members .....	2	24	.....	.....	.....	.....
13 members .....	2	26	2	26	.....	.....
14 members .....	2	28	.....	.....	.....	.....
15 members .....	5	75	.....	.....	1	15
19 members .....	1	19	.....	.....	.....	.....
22 members .....	1	22	.....	.....	.....	.....
24 members .....	1	24	.....	.....	.....	.....
Total .....	92	640	92	462	82	406
Average .....	.....	6.96	.....	5.02	.....	4.95

The Litwalton families report 40 children of various ages absent from the neighborhood. Nearly half of these are in Baltimore, the natural metropolis of this region; some 6 or 8 are in Philadelphia; a few are in Washington, and a like number in Atlantic City. Only 1 is reported as in Richmond.

Out of 82 economic families there are 47, or 57 per cent, of from 2 to 5 members, as compared with 48 per cent for Sandy Spring and 63 per cent for Farmville. With regard to the larger economic families, Litwalton is between Sandy Spring and Farmville, having 15 families of 8 persons or over, or 18 per cent, as against 37 such families, or 22 per cent, for Sandy Spring, and 39, or 15 per cent, for Farmville. So, for the larger real families, Litwalton, with 19 families of 8 persons or over out of 92 families, is again between Sandy Spring, with 62 out of 181 families, and Farmville, with 46 out of 249 families. The average number of members for economic families is lower in Litwalton (4.95) than in Sandy Spring (5.42) and higher than in Farmville (4.61);

and the average number of members for real families is lower in Litwalton (5.02) than in either Sandy Spring (6.13) or in Farmville (5.03).

In like manner the average for possible families in Litwalton (6.96) is lower than for Sandy Spring (7.78) and for Farmville (10.79). In referring to the larger numbers for the economic and real families of Sandy Spring as compared with Farmville it was stated that this larger membership of families is "probably the effect of rural as opposed to urban conditions of life." (a) It was fully expected that much larger families would be found in Litwalton than in Sandy Spring or Farmville, because of the easy conditions of life and because of the general impression that the Negroes of the country districts of the South are very prolific and have large families. The result of the investigation is, therefore, a surprise, and the census figures of 1890 for the State of Virginia seem to confirm the figures for Litwalton. In the 100 counties of Virginia there were, in 1890, 304,673 families and a total population of 1,655,980, or an average of 5.44 persons to a family. Deducting the towns and cities having a population of 2,500 or over, we find 249,426 families and a population of 1,373,259, or an average of 5.51 persons to a family, in the rural districts of the State. Of the 100 counties, 36 showed an excess of Negro population and 64 an excess of white population in the rural districts. Using the same method as above, we find in the 36 Negro counties an average rural family of 5.37 persons, and in the 64 white counties an average rural family of 5.58 persons, the average for the Negro counties being considerably smaller and the average for the white counties somewhat larger than the average for the State. This would seem to show that the Negroes in the rural districts of the State, instead of increasing the average of persons to a family, have actually lowered that average in the counties where they predominate in numbers; that is to say, the average rural Negro family is smaller than the average rural white family.

The following table gives the percentages of Negro families, by size, for Litwalton, Sandy Spring, and Farmville, and of families for the country at large:

PER CENT OF NEGRO FAMILIES OF LITWALTON, SANDY SPRING, AND FARMVILLE, AND OF TOTAL FAMILIES OF THE UNITED STATES AND OF THE NORTH ATLANTIC STATES IN EACH GROUP, BY SIZE OF FAMILY.

[The figures for Litwalton, Sandy Spring, and Farmville are from schedules; those for the United States are from the census of 1890.]

Size of family.	Negroes of Litwalton.	Negroes of Sandy Spring.	Negroes of Farmville.	United States.	North Atlantic States.
1 member .....	6.10	5.45	4.96	3.63	3.23
2 to 6 members .....	65.85	63.64	72.90	73.33	78.05
7 to 10 members .....	25.61	26.06	19.47	20.97	17.00
11 members or over .....	2.44	4.85	2.67	2.07	1.72

a Cf. Bulletin No. 32, page 88.

The following table for Whealton shows the number of real and economic families, by size:

NUMBER OF WHEALTON NEGRO FAMILIES, BY SIZE.

Size of family.	The real family.		The economic family.	
	Families.	Persons.	Families.	Persons.
1 member.....	24	24	6	6
2 members.....	11	22	12	24
3 members.....	11	33	10	30
4 members.....	15	60	15	60
5 members.....	16	80	16	80
6 members.....	6	36	9	54
7 members.....	1	7	1	7
8 members.....	2	16	3	24
9 members.....	2	18	1	9
10 members.....	3	30	3	30
12 members.....	1	12	1	12
Total .....	92	338	77	336

The proportion of families of from 2 to 5, 53 out of 77 enumerated, is higher than in Farmville, almost 69 as against 63 per cent. This high percentage of small families and the corresponding small proportion of families of 8 persons or over—10 per cent as against 15 per cent for Farmville, 18 per cent for Litwalton, and 22 per cent for Sandy Spring—are due to the selective conditions of the Whealton industry, which calls for people in active life, excluding the very old and also the very young as far as practicable. In the tabulation of the families, 105 day laborers were left out of consideration. They are the foam, so to speak, on the advancing and receding wave of shuckers, and are liable to be blown hither and thither by unexpected gusts of whim or need. No attempt was made to ascertain the possible families for Whealton.

The percentages for the 77 Whealton families by size of family were: For families of 1 member, 7.79; of 2 to 6 members, 80.52; of 7 to 10 members, 10.39; of 11 members or over, 1.30. These percentages reiterate the story of the preceding table, that the Whealton shuckers are a selected population.

The houses occupied by the Negroes of Litwalton contain from 1 to 6 rooms, the greater number containing 2 rooms.

The following table shows the distribution of the families in these houses:

FAMILIES, BY SIZE OF FAMILY AND NUMBER OF ROOMS TO A DWELLING, LITWALTON.

Size of family.	Families occupying dwellings of—							Total families.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms.	6 rooms.	Not reported.	
1 member.....	4	1	..	..	..	..	..	5
2 members.....	6	..	1	..	1	..	..	8
3 members.....	3	7	2	..	..	..	..	15
4 members.....	3	10	2	1	..	..	..	17
5 members.....	3	..	..	2	1	..	..	7
6 members.....	3	2	..	..	..	1	..	7
7 members.....	4	2	..	..	1	..	..	8
8 members.....	4	1	1	..	..	..	..	7
9 members.....	3	..	..	..	..	..	..	3
10 members.....	..	..	1	1	..	..	..	3
11 members.....	1	..	..	..	..	..	..	1
15 members.....	..	..	..	..	..	1	..	1
Total families.	13	41	9	7	3	2	7	82
Total rooms...	13	82	27	28	15	12	..	177

A large majority of the houses, 59, are reported as frame buildings, and 16 are of logs. Seven are not reported. Quite a number of houses are new; some are mere hovels or are so old as to seem hardly weatherproof. In the better ones the rooms are of fair size, are fairly well furnished, and are heated by stoves. Wood is the fuel used. Almost all the houses have gardens attached; many have also outbuildings of various kinds connected with them. A number of the houses are overcrowded. Three houses of one room have families of 6 members living in them. Of 41 families living in houses of 2 rooms, 3 families have 5 members; 2 have 6; 4 have 7; 4 have 8; 3 have 9, and 1 has 11. Of the 82 families living in these houses, 13, or 15.9 per cent, occupy one-room houses; 41, or 50 per cent, occupy two-room houses; 9, or 10.9 per cent, occupy three-room houses; 7, or 8.5 per cent, occupy four-room houses; 3, or 3.7 per cent, occupy five-room houses; 2, or 2.5 per cent, occupy six-room houses; and 7, or 8.5 per cent, are not reported. Not including the rooms of 7 families not reported, we have 177 rooms for 75 dwellings, or 2.36 rooms to a family and 2.05 persons to a room.

Of these 82 families, 43, or 52 per cent, own their own homes; 34, or 42 per cent, rent the houses they occupy, and the tenure of 5 families, or 6 per cent, is not reported. If we add to the owners the 6 families already mentioned as now buying land, we have 60 per cent owning their own homes, 34 per cent renting, and 6 per cent not reported.

The following table shows the number of families owning or renting their homes:

FAMILIES OWNING AND RENTING HOMES, BY NUMBER OF ROOMS TO A DWELLING,  
LITWALTON.

Tenure.	Families occupying dwellings of—							Total families.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms.	6 rooms.	Not reported.	
Owners .....	5	19	6	6	3	2	2	43
Renters .....	8	20	3	1	.....	.....	2	34
Tenure not reported .....	2	.....	.....	.....	.....	.....	3	5
Total families.	13	41	9	7	3	2	7	82

The Whealton families do not own their homes.

The following table gives the rents paid by the Litwalton families:

RENTS PAID BY FAMILIES, BY NUMBER OF ROOMS TO A DWELLING, LITWALTON.

Monthly rent.	Families occupying dwellings of—							Total families.	Annual rent paid.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms.	6 rooms.	Rooms not reported.		
\$1.00.....	4	5	2	.....	.....	.....	.....	11	\$182.00
\$1.50.....	4	4	.....	.....	.....	.....	4	72.00	
\$1.66 $\frac{2}{3}$ .....	1	.....	.....	.....	.....	.....	1	20.00	
\$2.00.....	3	.....	1	.....	.....	2	6	144.00	
\$2.50.....	1	.....	.....	.....	.....	1	1	30.00	
\$3.00.....	1	1	.....	.....	.....	.....	2	72.00	
Rent not reported .....	3	5	1	.....	.....	.....	9	a166.00	
Total .....	8	20	3	1	.....	2	34	636.00	
Average annual rent.....	.....	.....	.....	.....	.....	.....	.....	18.71	

a Estimated.

The workers at Whealton live in the houses of their employers, and the families pay an average rent of \$2 per month. An estimate of the rents, taking into consideration the different terms during which the buildings are occupied, shows an annual rental of about \$1,350.

The following table, showing the number of Litwalton families, by size of family and annual income, is an attempt to get at the facts, and is reasonably successful. It is quite certain that some of the Litwalton oystermen reported incomes below their actual customary receipts, in the opinion, at least, of some of their neighbors who were in a position to judge quite accurately. It is likely, therefore, that the report is below the correct statement of money taken in.

On the other hand, the inveterate habit of idling after earning a little money may make the estimate nearer the truth than would be supposed. The Whealton table is inserted also for the sake of comparison.

The tables following give the number of families, by size of family and annual income, for Litwalton and Whealton:

NUMBER OF FAMILIES, BY SIZE OF FAMILY AND ANNUAL INCOME, LITWALTON.

Annual income.	Families of—										Total families.
	1 member.	2 members.	3 members.	4 members.	5 members.	6 members.	7 members.	8 members.	9 members.	10 members or over.	
\$50 to \$75 .....	1	.....	3	.....	.....	.....	.....	1	.....	.....	5
\$75 to \$100 .....	2	1	1	.....	.....	1	1	.....	1	.....	7
\$100 to \$150 .....	.....	4	3	6	2	1	2	1	1	1	20
\$150 to \$200 .....	2	1	3	4	1	2	2	1	.....	3	19
\$200 to \$250 .....	.....	1	2	1	.....	.....	1	3	1	.....	9
\$250 to \$350 .....	.....	.....	2	2	1	3	.....	1	.....	1	10
\$350 to \$450 .....	1	.....	.....	3	1	.....	.....	.....	.....	.....	5
\$450 to \$600 .....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
\$600 to \$750 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
\$750 or over .....	.....	.....	1	1	1	.....	2	.....	.....	1	1
Not reported .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
Total families ..	5	8	15	17	7	7	8	7	3	5	82

NUMBER OF FAMILIES, BY SIZE OF FAMILY AND ANNUAL INCOME, WHEALTON.

Annual income.	Families of—										Total families.
	1 member.	2 members.	3 members.	4 members.	5 members.	6 members.	7 members.	8 members.	9 members.	10 members or over.	
\$50 to \$75 .....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
\$75 to \$100 .....	3	2	.....	.....	.....	.....	.....	.....	.....	.....	5
\$100 to \$150 .....	.....	1	.....	.....	2	.....	.....	.....	.....	.....	3
\$150 to \$200 .....	1	3	1	.....	1	.....	.....	.....	.....	.....	6
\$200 to \$250 .....	1	2	6	4	5	1	.....	.....	.....	.....	19
\$250 to \$350 .....	.....	4	3	5	5	2	.....	1	.....	1	20
\$350 to \$450 .....	.....	.....	.....	4	2	2	.....	.....	1	1	10
\$450 to \$600 .....	.....	.....	.....	2	1	.....	.....	1	.....	2	6
\$600 to \$750 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
\$750 to \$800 .....	.....	.....	.....	.....	.....	1	1	.....	.....	1	3
\$800 to \$900 .....	.....	.....	.....	.....	.....	.....	1	.....	.....	1	1
\$1,000 to \$1,260 .....	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	3
Not reported .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total families ..	6	12	10	15	16	9	1	3	1	4	77

The 3 Whealton families earning over \$1,000 are economic families, each consisting of 6 young unmarried men. The Whealton table is made up for the shuckers, whose total annual earnings are estimated at about \$26,000. If the 105 day laborers be included, and each considered an economic family of 1 person, they would give us 15 more families earning about \$50 each, an increase of \$750 to be added to the total; 35 more families earning about \$135, or an increase of \$4,725; 5 families earning about \$160 each, or an increase of \$800; and 50 more families earning about \$260, or an increase of \$13,000; a total increase of \$19,275, bringing the total earnings up to about \$45,275 for the Whealton Negroes.

Four-fifths of the Litwalton earnings, it must be remembered, are gained during the 8 months of the oyster season, and the entire Whealton earnings are gained in the average time of about 7 months.

In Farmville, out of 262 families, 226 made from \$100 to \$750 in 12 months; in Sandy Spring, of 165 families, 155 earned from \$100 to \$750 in 12 months; in Litwalton, of 82 families, 65 earned from \$100 to \$760 in a little over 8 months; in Whealton, of 77 families, 71 earned from \$100 to \$1,260 in 7 months. A comparison of the percentages for classes of earnings is of equal interest: In Farmville, 10.7 per cent of the families earned less than \$100; in Sandy Spring, 5.5 per cent; in Litwalton, 15.6 per cent; in Whealton, 7.8 per cent. In Farmville, 34.8 per cent earned between \$100 and \$250; in Sandy Spring, 61 per cent; in Litwalton, 62.3 per cent; in Whealton, 36.4 per cent. In Farmville, 52.2 per cent made over \$250; in Sandy Spring, 33.5 per cent; in Litwalton, 22.1 per cent; in Whealton, 55.8 per cent. If the 105 day laborers are included, the percentages for Whealton are not changed very materially, as follows: Earning less than \$100, 11.5 per cent; earning between \$100 and \$250, 37.4 per cent; earning over \$250, 51.1 per cent.

In Farmville and Whealton more than half the families earned more than \$250; in Sandy Spring two-thirds and in Litwalton nearly four-fifths of the families earned less than \$250. In Farmville and Whealton the labor of the Negroes is controlled and directed by employers. In Sandy Spring the largest body of male laborers and heads of families, the farm hands, is directed and largely controlled; but in Litwalton the most important body of laborers and heads of families, the oyster tongers, are subject to no control. In Sandy Spring about one-third of the families made over \$250 a year; in Litwalton, a little over one-fifth. And yet the opinion prevails among the oyster people that the oyster tenger can make more money than the oyster shucker; that is, that the Litwalton oystermen ought to show a larger average income per family than the Whealton shucker.

As in the case of Sandy Spring, we must remember that the lands, gardens, fowls, cows, and so on, of the Litwalton oysterman play an

important part in providing his family with food. Doubtless, also, oysters and fish provided by himself constitute an important item.

The table of prices of commodities for Sandy Spring and Farmville is reported as in the main correct for Litwalton at the time the investigation was made.

Sugar and lard are both higher now than reported in the table, as they are throughout the country. Butter costs in Litwalton as much as 25 cents the year round. Corn meal is much higher in Litwalton—from 15 to 20 cents per peck. Wood is much cheaper—from \$1 to \$1.50 per cord. Coal is not used in Litwalton.

#### PRICES OF COMMODITIES IN LITWALTON, IN SANDY SPRING, AND IN FARMVILLE.

Article.	Unit.	Price.	Article.	Unit.	Price.			
<b>Food, etc.:</b>								
Fresh pork .....	Pound..	\$0.06	Food, etc.—Concluded.	Gallon..	\$0.25 to \$0.40			
Pork steak .....	Pound..	\$0.08 to .10	Molasses.....	Pound..	.12½ to .25			
Beefsteak .....	Pound..	.08 to .10	Butter .....	Pound..	.01			
Ham and bacon .....	Pound..	.08 to .10	Salt.....	Pound..	.01			
Chickens .....	Each ..	.12½ to .15	Herrings .....	Each ..	.01			
Hens .....	Each ..	.20 to .25	Eggs.....	Dozen ..	.10 to .12			
Turkeys .....	Pound..	.07 to .10	Apples.....	Peck ..	.05 to .25			
Wheat flour .....	12-pound bag.	.35	Apples, dried .....	Pound..	.06			
Wheat flour .....	Barrel ..	4.00 to 4.50	Watermelons.....	Each ..	.01 to .20			
Corn meal .....	Peck ..	.11 to .12	Pepper .....	Pound..	.15			
Rice .....	Pound..	.05 to .06	Milk.....	Quart..	.06			
Cabbage .....	Head ..	.01 to .06	Buttermilk .....	Gallon..	.10			
Potatoes .....	Bushel ..	.50 to .60	Soap.....	Cake ..	.05			
Green corn .....	Ear ..	.01	Starch.....	Pound..	.05			
Tomatoes.....	Gallon..	.05	<b>Fuel and lighting:</b>					
Peas .....	Quart..	.05	Wood, uncut .....	Cord ..	2.00			
Beans .....	Quart..	.05	Wood, cut .....	Cord ..	2.50			
Canned goods .....	Can ..	.08 to .10	Coal, bituminous ..	Ton ..	4.50			
Tea .....	Pound..	.40	Coal, anthracite ..	Ton ..	7.50			
Coffee .....	Pound..	.15 to .18	Kerosene oil.....	Gallon..	.15			
Sugar .....	Pound..	.05 to .06	<b>Clothing:</b>					
Lard .....	Pound..	.07 to .08	Men's suits .....	Each ..	7.00 to 12.00			
			Boys' suits.....	Each ..	2.00 to 5.00			
			Women's dresses ..	Each ..	3.00 to 8.00			

The attempt to tabulate family budgets for Litwalton, as was done for Farmville and Sandy Spring, seems too inconclusive to be undertaken. Two elements enter to such an extent as to make any real approximation very difficult. The amount of food obtained from the gardens, little farms, and poultry of the large percentage (about 60) of property owners is one element; and the amount of food taken from the water in the shape of oysters, fish, and crabs, is the other. It is not practicable to estimate either satisfactorily. It may be said in general that, as of the Litwalton families 77.9 per cent earn not more than \$250 (15.6 earning less than \$100, and 62.3 between \$100 and \$250), the budgets for Sandy Spring, showing expenditures of from about \$100 to \$200 per annum, are also a reasonable exhibit for Litwalton.

The following list of property holders does not agree with the table of owners on page 1161. That table gave the owners and renters of homes. Some of these owned or were buying other property. Some owned property in common, here reported separately. The list includes, also, several pieces of property not owned by the present

occupants. A number of the properties are not reported by the assessors.

## ASSESSED VALUE OF PROPERTY OWNED BY NEGROES OF LITWALTON, 1900.

Property-owner num-ber.	Acres.	Assessed value.			Own-er's valua-tion of real estate.	Property-owner num-ber.	Acres.	Assessed value.			Own-er's valua-tion of real estate.
		Realty.	Per-son-alty.	Total.				Realty.	Per-son-alty.	Total.	
1.....	36	\$292	\$153	\$445	\$500	35.....	.....	.....	.....	.....	\$27 (b)
2.....	61	488	345	833	300	36.....	.....	.....	.....	.....	135 (b)
3.....	70	420	79	499	400	37.....	.....	.....	.....	.....	23 (b)
4.....	6 $\frac{1}{2}$	75	.....	75	25	38.....	10 (a)	16	16	.....	\$100
5.....	5	(a)	32	32	35	39.....	1 (a)	(a)	(a)	.....	50
6.....	5	(a)	(a)	(a)	(b)	40.....	.....	10	10	.....	(b)
7.....	12	113	37	150	50	41.....	.....	68	68	.....	(b)
8.....	19	76	40	116	190	42.....	.....	131	131	.....	(b)
9.....	30	200	109	309	500	43.....	.....	23	23	.....	(b)
10.....	(b)	150	.....	150	100	44.....	23	\$369	145	514	(b)
11.....	10	(a)	16	16	(b)	45.....	12	225	110	335	300
12.....	20	(a)	53	53	100	46.....	8 $\frac{1}{2}$	102	99	201	100
13.....	19	(a)	10	10	100	47.....	14 $\frac{1}{2}$	157	47	204	325
14.....	20	166	40	206	125	48.....	8	(a)	(a)	(a)	100
15.....	20	80	24	104	100	49.....	.....	5	5	.....	(b)
16.....	10	330	98	428	250	50.....	144	600	148	748	700
17.....	10	40	25	65	60	51.....	.....	95	95	.....	(b)
18.....	15	322	84	406	150	52.....	8	(a)	(a)	(a)	100
19.....	10	(a)	37	37	60	53.....	7	(a)	(a)	(a)	100
20.....	20	200	40	240	250	54.....	8	(a)	(a)	(a)	100
21.....	15	(a)	75	75	150	55.....	1	(a)	(a)	(a)	50
22.....	10	251	189	440	600	56.....	3	(a)	(a)	(a)	150
23.....	8	31	36	67	150	57.....	2	(a)	(a)	(a)	150
24.....	33	307	190	497	330	58.....	5	(a)	(a)	(a)	200
25.....	10	(a)	(a)	(a)	150	59.....	7	(a)	(a)	(a)	250
26.....	60	383	131	514	500	60.....	10	(a)	(a)	(a)	(b)
27.....	5	75	60	135	50	61.....	39	(a)	(a)	(a)	300
28.....	11 $\frac{1}{2}$	153	14	167	500	62.....	5 $\frac{1}{2}$	(a)	(a)	(a)	300
29.....	10	(a)	(a)	(a)	100	63.....	.....	12	12	.....	(b)
30.....	5	(a)	31	31	50	64.....	.....	10	10	.....	(b)
31.....	18	180	20	200	54	65.....	3	120	40	160	150
32.....	7 $\frac{1}{2}$	(a)	36	36	38	.....	.....	.....	.....	.....	.....
33.....	15	150	98	248	500	Total.....	e897 $\frac{1}{2}$	d6,055	e3,256	f9,311	g10,092
34.....	1	(a)	10	10	100	.....	.....	.....	.....	.....	.....

<sup>a</sup> Not assessed.<sup>b</sup> Not reported.<sup>c</sup> Not including 1 property owner, acres not reported.<sup>d</sup> Not including 26 property owners, realty not assessed.<sup>e</sup> Not including 16 property owners, personality not assessed.<sup>f</sup> Not including 16 property owners, total property not assessed.<sup>g</sup> Not including 15 property owners not reporting.

This table shows for Litwalton an assessed valuation of \$3,256 of personal property and of \$6,055 of real estate, a total of \$9,311. The number of acres reported is 897.5, almost exactly double the number reported for twice the number of Sandy Spring families. This real estate is valued by its owners at \$10,092, two-thirds more than the assessed value, and only one-fourth the valuation given by the Sandy Spring Negroes to their lands. It would seem that the tendency on the part of many of the Litwalton Negroes was to undervalue their property, just as the Sandy Spring Negroes seemed inclined to overvalue their realty. Included as personal property are 40 horses, 25 cows, 12 oxen, 14 buggies, 17 road carts, 8 ox carts, 1 carry log, 40 pigs, and many chickens. In addition to the personal property, and most important of all, there are 47 boats, valued by their owners at \$1,328. If this valuation be what the assessor would make it, the personal property would be increased to \$4,584.

Twenty-four Whealton families report real property valued by them at \$7,100. The property is in Maryland and is as follows:

ESTIMATED VALUE OF REAL ESTATE OWNED BY NEGROES OF WHEALTON, 1901.

Property-owner number.	Valued by owner.	Property-owner number.	Valued by owner.	Property-owner number.	Valued by owner.
1.....	\$150	10.....	\$350	19.....	\$375
2.....	150	11.....	275	20.....	200
3.....	500	12.....	200	21.....	250
4.....	300	13.....	375	22.....	425
5.....	300	14.....	250	23.....	750
6.....	600	15.....	350	24.....	200
7.....	100	16.....	150		
8.....	150	17.....	200	Total .....	7,100
9.....	350	18.....	150		

A careful analysis of the Sandy Spring property holders was made "with a view to discovering, if practicable, whether the fact of two or more generations of freedom has seemed to influence the Negroes of Sandy Spring in the matter of property getting and property keeping—the economic basis of civilization," and the conclusion reached was that "not proven" seemed the soundest verdict. With regard to Litwalton, it seems unnecessary to make such an analysis, as the number of freedmen in the community prior to 1865 was small.

Of those born in Litwalton and over 36 years of age, 19 former slaves and 4 freemen own property, and of those under 36, 14 are property holders; of those not property holders, 9 are former slaves and 2 are freemen over 36, while 5 are under 36. Of the property holders born out of Litwalton, 7 are former slaves, 2 are freemen, and 3 are under 36; of those not property holders, 9 are former slaves, 1 is a freeman, and 2 are under 36; 5 are not reported. Thirty-seven of the 49 property holders are native born and 12 are outsiders; 16 of the 28 not owning property are natives and 12 are immigrants. Of 44 born slaves, 26 are property holders and 18 are not; of 9 born free (and over 36 years old), 6 are property holders and 3 are not. Seven report inherited property, 3 over 36 (2 of them freedmen's sons) and 4 under 36. There seems nothing in these figures indicative of the acquisition of land by those who have always been free, in comparison with former slaves. A number of those classed as slaves were slave-born during the war, but they were freed while mere children and never really knew any other than the life of the freedman.

There are said to be many trust deeds against the properties of the Negroes for purchase money still unpaid.

### GROUP LIFE.

The group life of the Litwalton Negroes appeared to the investigator to be particularly lacking in organization. In spite of so many of them owning their homes and of their being able to earn the greater part of their living within two-thirds of the year, their economic condition is not good. The opportunity for economic success is too great,

the means of obtaining it too easy, hence the lack of success. Except in the case of a very few individuals, there seems not to be sufficient force of character to rise above the mere provision for present needs. With land at \$10 an acre, homes that could have been and should have been paid for by the work of two or three seasons, remain unpaid for at the end of many years. These people hold and practice the faith that "Man wants but little here below, nor wants that little long."

There is an Odd Fellows lodge among them, which owns a small hall, formerly much used, it is said, as a place of church meeting and for other social purposes. Some meetings are still held there. So far as could be learned, there is a complete absence in Litwalton of those societies and beneficial orders which form so important an element of the social life of Farmville and of Sandy Spring, and which serve a valuable economic as well as a good social purpose. There seems to be a decided habit of the men to herd together. This habit would probably result naturally from the exigencies and intervals of the oysterman's life, combined with the sociable nature of the Negro.

There is a special cause for the disorganization of a part of the social life of the Litwalton Negroes. This cause has been in operation for the last 4 years, and came partly through their church. The strong denomination among these Negroes is the Baptist. A very few reported themselves as not belonging to any church; none as belonging to any other church than the Baptist. In the same way, the Whealton Negroes, Marylanders, are all Methodists. The Baptist church of Litwalton was the great center of the Negro social life, as the Baptist church is in Farmville, and as the Methodist church is in Sandy Spring. The congregation included practically the whole of the community in addition to about as many more from the outside. About 5 years ago a site was selected just beyond the bounds of the neighborhood for a large new church, and the building was begun. Just about this time a determined and active movement against the sale of liquor was begun in the county and in the neighborhood.

In a very short time the fight became bitter and resulted after a sharp campaign in the adoption of local option for the county. The occasion of the fight for local option, so far as the Litwalton Negroes were concerned, was that the oystermen and others were in the habit of congregating in and around the barrooms and stores where liquor was sold, and of drinking and idling, to the great loss of their money and character and to the disgust of the community, for frequent quarrels and fights scandalized and annoyed the neighbors and passers-by. The pastor of the Litwalton Negro Baptist church took this matter into his church, where he met with ardent opposition, sides being taken and maintained with much heat. The virulence of the campaign left many antagonisms and heartburnings among friends and kinsfolk, white and black, and this bitterness had not been soothed by

time when the investigation was made, about  $\frac{1}{2}$  years after the election. So bitter was the feeling that it is said to have even invaded the jury room, and partisanship was shown by jurors for or against a "wet" man or a "dry" man, as the case might be, to the perversion of justice and equity. Upon the Litwalton Negro church the effect was disastrous. The building itself was still unfinished, just where it had been left  $\frac{1}{2}$  years before, except that it had taken on the weather-beaten air of premature decay seen on new but neglected houses. The congregation was divided into two almost hostile camps, one of which had practically ceased going to church, though they were talking in a vague way of organizing another congregation. With the cessation of their church-going they had given up the social life connected with their periodic gatherings and had found nothing to put in its place.

In the meantime, according to the testimony of both whites and blacks, local option, unsupported by public sentiment, had proved a complete failure so far as the quantity of liquor sold was concerned, as the following recital will show, and a movement was on foot to have the question resubmitted to the popular vote at the spring elections of 1901. There were said to be about 25 or 30 barrooms in the county at the beginning of the prohibition campaign, 5 of them within the limits of Litwalton. Two of these Litwalton barrooms, it was said, never stopped the sale of liquor at all, and the others soon resumed it as "speak easies." About 2 years after the vote 5 other "speak easies" were in operation, just doubling the number of previous barrooms in the neighborhood. The same thing was true of the county, where about 75 "speak easies" were flourishing in the place of the 25 or 30 barrooms previously existing. The majority of these "speak easies" had United States liquor licenses in order to avoid trouble with the Government authorities. The State authorities were ignored. During the  $\frac{1}{2}$  years of the existence of the law one man had been made to pay a fine of \$20 for violation of the law; one trial for a "club license" had resulted in acquittal; a number of indictments had been tried before juries, which failed on one ground or another to convict; the sale of liquor was said to be increasing all the while, and the State was losing at least \$2,500 a year in licenses on the former basis, besides the money expended in fruitless trials. These were some of the arguments used by those circulating the petitions for resubmission, which petitions were being numerously signed by the Litwalton Negroes.

An attempt was made to ascertain the effect of this condition of affairs upon the Negroes of the Litwalton community. The whites who were questioned were unanimous in the opinion that the existing law was not saving the Litwalton Negro's money nor improving his morals. Probably an opportunity for wider inquiry would have brought out contradictory opinions from other whites. The Negroes

were divided in opinion as to some points of the controversy. They all agreed that at least as much liquor was sold to Negroes now as had been sold under the old system. In spite of this practical failure some thought that the general result of the present law was better than the former one because there was less noisy disorder and disturbance of public peace around the barrooms than formerly, since the barkeepers for their own sakes kept the drunken Negroes within doors and treated them carefully to avoid the annoyance and expense of possible trial and conviction; because the drunken Negroes were not literally kicked out of doors and "treated like dogs" by the barkeepers, as had formerly been done under the old law; and because there was not as much actual open drunkenness as formerly. Other Negroes thought that the general effect of the present law was bad, because it failed in its chief aim; because, under it, the Negroes were being taught a wholesale disregard of all law by the impunity of the violation of this law; and because they were taught the practice of public lying by the flimsy evasions of the requirements of the law practiced by the liquor sellers and by their own participation in these frauds. These things, they thought, were as bad or worse than any additional amount of drunkenness that might have existed under the former law.

They all agreed, when pressed for an answer, that this controversy had broken up that part of their former community social life which centered in their church.

Those who are not familiar with what his church and its social associations mean to the Negro are referred to the description of it given in the Farmville report. (*a*)

There is another aspect of the matter. The habit of congregating at the barrooms was a form of social life in itself. It was a kind of rude club life in which the Negro men wasted the money that should have gone to home and family. This rude club life was not stopped by local option, but it was put under the ban of the law. How far this was resented by the Litwalton Negroes, if resented at all, the investigator is unable to say.

In any case, with or without such local causes as the local-option struggle, the group life of Litwalton seemed to be of a very unorganized kind. This aspect of Litwalton is probably typical of the semi-predatory life of the oyster tonger, though sufficient data are not at hand to form the basis of an authoritative opinion on the subject.

With regard to "the peculiar hopefulness on the part of the people themselves," found by the Farmville investigator to pervade "the whole group life of Farmville Negroes," the present investigator must report that, as at Sandy Spring, he did not find such hopefulness pervading Litwalton. Some of the younger and thrifty men of Litwalton

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*a*See Bulletin No. 14, January, 1898, page 35.

were hopeful and were of opinion that the Negroes of their community were bettering their condition; a number were noncommittal on the subject, either because they had no opinions or did not choose to express any; and the older Negroes were emphatic in their opinion that the younger set might be able to read and write better, and might be worth more money than their fathers, but that in respect for the rights of others, in manners, and in character they were distinctly degenerates. In this opinion the whites of the community seemed to coincide.

No attempt was made to investigate particularly the group life of the Whealton Negroes, whose true homes are in Maryland. They are kept closely under the eye of their employers, whose houses they occupy, and their manner of life is not free to go its own way.

## RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

### MAINE.

*Fourteenth Annual Report of the Bureau of Industrial and Labor Statistics for the State of Maine.* 1900. Samuel W. Matthews, Commissioner. 152 pp.

The following subjects are treated in this report: Workingmen's returns, 26 pages; factories, mills, and shops, 5 pages; cotton industry, 4 pages; woolen industry, 4 pages; shipbuilding, 20 pages; canning industry, 30 pages; woodworking industry, 27 pages; bleaching and dyeing industry, 4 pages; railroads, 4 pages; factory inspection, 20 pages.

**WORKINGMEN'S RETURNS.**—Tables are given of returns received by the bureau from 175 workingmen in the State showing their earnings, cost of living, savings, etc. The following table shows, by occupations, the income and expenditures of 135 families as ascertained from these returns:

#### AVERAGE YEARLY EARNINGS AND COST OF LIVING OF WORKING PEOPLE. 1900.

Occupations.	Number reporting.	Average yearly income.			Average yearly expenditure for—						
		Average age of head of family.	Average age of family.	Average size of family.	Earnings of head of family.	Total family earnings.	Rent.	Food.	Clothing.	Fuel and light.	Other.
Carriage makers...	26	44	4.27	\$660.15	\$683.00	\$132.55	\$272.15	\$101.15	\$43.23	\$109.65 a	\$628.16
Shoemakers .....	55	38	3.87	561.22	597.58	132.63	241.38	92.33	45.42	146.76 a	610.29
Machinists .....	11	36	3.45	393.54	602.93	113.14	231.82	87.45	36.45	184.80 a	612.54
Blacksmiths.....	13	44	4.77	547.88	597.38	108.00	251.77	77.31	38.46	126.85 a	520.84
Bleachery employees .....	15	40	3.56	386.56	449.06	79.63	214.87	56.56	41.06	87.12 a	454.37
Laborers.....	8	46	4.37	423.75	500.25	94.00	233.87	56.88	42.00	108.99 a	477.00
Granite workers...	6	37	3.17	619.17	644.17	107.00	209.07	84.17	43.33	213.32 a	621.33

<sup>a</sup> This is not a correct total for the preceding items; the figures given are, however, according to the original.

Of the 135 heads of families included in the above tabulation, 89 were American and 46 were foreign born; 47 owned their homes, 10 of which were mortgaged; 4 belonged to labor organizations; 52 belonged to beneficiary organizations; 49 had savings-bank accounts; 86 accumulated savings in former years, and 42 during the past year; 29 had a deficit, and 64 had neither a surplus nor a deficit during the past year.

Of the remaining 40 men without families, 31 were American and 9 were foreign born; 11 belonged to labor organizations; 11 belonged to

beneficiary organizations; 27 had savings-bank accounts; 26 accumulated savings in former years, and 30 during the past year; 10 had neither a surplus nor a deficit during the past year.

**FACTORIES, MILLS, AND SHOPS.**—Improvements during 1900 were reported in the case of 167 factories, mills, and shops situated in 114 towns. These improvements were in the nature of new buildings, enlargement of existing buildings, etc. It is estimated that these improvements cost \$2,174,825 and gave employment to 5,539 persons.

**COTTON AND WOOLEN INDUSTRIES.**—Returns were received from 10 cotton and 28 woolen mills. The tabulations show for each establishment the amount of capital invested, cost of material used, value of product, weeks in operation during the year, persons employed, and wages paid. Nine of the 10 cotton mills and 19 of the 28 woolen mills made complete returns for 1899 and 1900. The totals of these returns for each of the two years are shown in the following statement:

STATISTICS OF 9 COTTON AND 19 WOOLEN MILLS, 1899 AND 1900.

Items.	Cotton mills.		Woolen mills.	
	1899.	1900.	1899.	1900.
Capital invested .....	\$13,205,025	\$14,797,710	\$2,077,800	\$2,436,305
Cost of material used .....	4,751,052	5,573,168	1,998,227	2,337,297
Total wages paid .....	3,348,898	3,643,539	722,555	873,344
Value of product .....	9,131,162	10,191,965	3,158,805	3,943,800
Average weekly wages:				
Men.....	7.46	7.82	8.60	9.09
Women.....	5.60	5.75	6.08	6.32
Children.....	2.89	2.91	3.72	4.05
Average employees:				
Men.....	4,681	4,756	1,337	1,440
Women.....	5,889	5,855	600	616
Children.....	517	621	24	18
Total.....	11,087	11,282	1,961	2,074
Average weeks in operation .....	51.2	51.7	49.1	51.1

These returns show an increase in all the items in 1900, except in the number of women employed in the cotton mills and of children employed in the woolen mills, where a decrease is shown.

**SHIPBUILDING.**—Accounts are given of the operations of shipyards in 10 different localities in Maine, and of the vessels launched in the 5 custom districts of Bath, Waldoboro, Belfast, Castine, and Machias. During the 11 months ending November 30, 1900, vessels with a total tonnage of 53,067 were launched in these districts, an increase of 5,979 over the preceding 12 months.

**CANNING INDUSTRY.**—A brief account is given of the progress of the canning industry in the State and lists of establishments engaged in the same. The leading articles canned and packed in the State were corn, blueberries, sardines, clams, condensed milk, and pickles. There were about 175 canning factories in the State, valued at \$1,214,900 and employing 15,071 persons, not including those employed in supplying the factories. About \$1,400,000 were paid in wages in 1899. The value of the product in 1899 was \$5,306,029.

**WOODWORKING INDUSTRY.**—This chapter contains lists of establishments engaged in woodwork for buildings and in the manufacture of boxes, handles, etc., and brief descriptions of some of the leading manufacturing plants.

**BLEACHING AND DYEING.**—An account is given of a leading bleaching and dyeing establishment in the State.

**RAILROADS.**—During the year ending June 30, 1900, 21 steam railway companies in the State gave employment to 7,240 persons, including general officers, and paid \$3,693,164.54 in wages. The average daily earnings per employee were \$1.78.

The street railways in the State employed, in 1900, 941 persons who received a total of \$423,500.15 in wages. The average daily earnings per employee were \$1.52. Conductors and motormen received from \$1.43 to \$1.60 per day.

The figures for both the steam and street railways show a considerable increase in 1900 over the preceding year.

## MARYLAND.

*Ninth Annual Report of the Bureau of Industrial Statistics of Maryland, 1900.* Thomas A. Smith, Chief of Bureau. 166 pp.

The contents of this report may be grouped as follows: Resources and agricultural production, 14 pages; strikes, 93 pages; arbitration, 2 pages; employment agency, 3 pages; sweat shops, 6 pages; the canning industry, 4 pages; handling Maryland crops, 2 pages; statistics of Baltimore, 12 pages; new incorporations, 20 pages; immigration into Maryland, 3 pages.

**STRIKES.**—Summary tables and detailed accounts are given of the strikes occurring during the year 1900. There were 34 strikes reported, involving 10,039 persons who either went on strike or were locked out. The establishments in which these strikes occurred employed 26,415 persons, of whom 590 females and 10,432 males, including strikers, were thrown out of employment. The wage loss was estimated at \$1,047,841, and the loss to the employers at \$342,095. Of the 34 strikes, 13 were ordered by organizations of the working people, and 21 were undertaken without organization. Of the former 9 were successful or partly successful, and 4 were unsuccessful; of the latter 5 were successful or partly successful, and 16 were unsuccessful. Of the 34 strikes, 8 succeeded, 6 succeeded partly, and 20 failed.

**ARBITRATION.**—This chapter consists of a brief discussion of the general conference of the National Civic Federation on the question of arbitration.

**EMPLOYMENT AGENCY.**—Since August 21, 1900, the bureau has been conducting an experimental employment agency. Up to December 31, 1900, 124 applications for work and 55 applications for help had been filed. Of the former 117 were males and 7 were females. Of the

applications for help 30 were for males and 25 for females. Forty-six applications for help were referred to employers.

**SWEAT SHOPS.**—Statistics are given of an investigation made in 1899 and 1900 by the city health department of Baltimore of 108 places regarded as sweat shops. Of these 74 were found to be insanitary.

**THE CANNING INDUSTRY.**—Returns from 65 canning establishments showed the employment of a total of 1,781 men, 3,331 women, and 636 children. These were employed an average of 42 days during the canning season of 1900. Their earnings averaged about \$1.50 for each working day for men, \$0.87½ for women, and \$0.45 for children. The total wages paid in the 65 establishments amounted to \$242,993. Statistics are also given showing the expenditure for raw material, the quantity and kind of fruit and vegetables canned, etc.

**HANDLING OF MARYLAND CROPS.**—A table is given showing the estimated quantity of grain, vegetables, and fruits raised in the State that was handled by the various transportation companies.

**STATISTICS OF BALTIMORE.**—A chapter on municipal government gives an analysis of the statistics of cities contained in the Bulletin of the U. S. Department of Labor for September, 1900, so far as they relate to Baltimore, and makes comparison between Baltimore and the cities of Boston and St. Louis. Other chapters show expenditures for the various municipal departments, etc., of Baltimore and brief digests of the various department reports.

**NEW INCORPORATIONS.**—A list is given of the new incorporations in the counties of the State from January, 1899, to November, 1900, and from December, 1899, to December, 1900, in Baltimore City. This supplements the lists published in previous reports.

## MICHIGAN.

*Eighteenth Annual Report of the Bureau of Labor and Industrial Statistics.* 1901. Joseph L. Cox, Commissioner. vii, 264 pp.

The present report treats of the following subjects: Penal and reformatory institutions, 5 pages; statistics of counties, cities, and villages, 125 pages; prison statistics, 2 pages; real estate statistics, 8 pages; commercial and hotel statistics, 18 pages; agricultural implements, 7 pages; manufacture of stoves and furnaces, 8 pages; bituminous coal mines, 14 pages; labor canvass, 28 pages; suicides, 15 pages; boiler explosions, 2 pages; strikes in Michigan, 3 pages; industrial statistics, 7 pages; papers on factory inspection, 12 pages.

**STATISTICS OF COUNTIES, CITIES, AND VILLAGES.**—These include population, number and value of public buildings and improvements, wages paid for labor, number and wages of men in fire and police departments, prison statistics, etc.

**MANUFACTURE OF AGRICULTURAL IMPLEMENTS.**—A canvass was made of 1,760 employees in 41 establishments engaged in this industry

located in 30 different towns. Of these 1,597 worked by the day and 163 did piecework. Their daily pay rolls amounted to \$2,984.78, or \$1.69½ per employee canvassed. Of the 1,760 employees 1,752, or all but 8, reported having steady employment; 852 were able to save from their earnings, and 611 owned their homes, 383 reporting the homes free from encumbrances; 627 rented their homes, paying an average of \$6.65 per month; 522 paid board at an average rate of \$3.10 per week.

**MANUFACTURE OF STOVES AND FURNACES.**—Twenty-one establishments canvassed reported an aggregate capital of \$3,378,632. The value of their total output in 1899 was \$6,308,917. They employed 4,224 persons, exclusive of office men, and paid \$8,214 per day for labor, or an average of \$1.94½ per employee; 142 office clerks received an average of \$2.48 per day.

A canvass was made of 1,663 persons employed in 20 of these establishments located in 11 different towns. Of these 749 were paid by the day and 914 by the piece; 1,659 had steady employment; 677 were able to save from their earnings; 505 owned their homes, in 260 cases free from encumbrances; 582 rented their homes at an average monthly rental of \$7.25; 576 paid board at an average rate of \$3.60 per week. Their aggregate daily pay amounted to \$3,718.77, or \$2.24 per employee canvassed.

**COAL MINES.**—On December 1, 1900, 31 mines were in operation in the State. They gave employment to 1,638 persons, who worked an average of 7.7 hours per day. Their daily aggregate wages amounted to \$3,832.92, or \$2.34 per person. The total output was 843,476 tons, costing \$1,164,000, or \$1.38 per ton. A canvass was made of 1,311 employees of 25 mines, in September, 1900. Of these, 322 were paid by the day and 989 were paid by the ton. Their average hours of labor per day were 8.1, and their average daily wages \$1.91. These figures differ somewhat from those above, which were obtained from the mine authorities. Of the 1,311 employees canvassed, 444 were able to save from their earnings. The following table shows the average daily wages of mine employees as obtained through the labor canvass, classified according to 18 different occupations:

AVERAGE WAGES PER DAY OF COAL MINE EMPLOYEES, SEPTEMBER, 1900.

Occupations.	Number.	Average wages per day.	Occupations.	Number.	Average wages per day.
Superintendents .....	3	\$2.72	Engineers.....	10	\$2.09
Mine bosses .....	13	2.67	Trimmers .....	15	2.05
Machine runners.....	26	2.66	Dumpers.....	3	2.00
Blacksmiths.....	10	2.40	Weighmen .....	5	1.94
Carpenters .....	3	2.25	Helpers .....	18	1.88
Timbermen .....	27	2.24	Miners .....	990	1.84
Tracklayers .....	26	2.21	Firemen .....	9	1.71
Pumpmen .....	2	2.19	Laborers .....	29	1.55
Cagers .....	20	2.10	Average .....		1.91
Drivers .....	102	2.10			

**LABOR CANVASS.**—A special canvass was made of 4,800 male and 1,503 female wage earners in different parts of the State. The inquiries related to wages, nativity, social condition, number of dependents, occupation, length of service, hours of labor, months employed during the year, etc. The tabulation following shows for male and female employees, respectively, for selected occupations, the average daily wages, hours of labor per day, number of months employed during 1900, and the average number of years engaged in present occupation:

WAGES, HOURS OF LABOR, ETC., OF MALE AND FEMALE EMPLOYEES, BY SELECTED OCCUPATIONS, 1900.

Occupations.	Number.	Average daily wages.	Average hours worked per day.	Average months employed during 1900.	Average years at present occupation.
MALES.					
Barbers.....	19	\$1.56	13.0	12.0	11.1
Blacksmiths.....	106	2.01	9.9	11.6	18.4
Boiler makers.....	24	2.31	10.0	11.7	11.7
Bookkeepers.....	108	2.11	9.8	11.9	7.6
Butchers and packers.....	36	1.55	11.1	11.2	10.0
Cabinetmakers.....	79	1.71	10.0	11.5	12.5
Carpenters.....	155	1.85	10.0	10.1	18.0
Carriage and wagon makers.....	56	1.82	10.0	11.8	12.0
Cigar makers.....	94	1.96	8.0	10.5	13.0
Coopers.....	26	1.42	10.0	9.8	22.7
Core makers.....	17	1.49	10.0	11.3	4.6
Engineers.....	118	1.85	10.2	11.5	14.6
Firemen.....	16	1.42	10.4	11.8	5.5
Harness makers.....	26	1.56	10.0	11.7	17.0
Laborers.....	474	1.27	9.9	10.8	4.5
Machinists.....	270	2.12	9.9	11.4	13.3
Masons.....	34	2.81	10.0	7.1	16.0
Millers.....	27	1.72	10.2	11.8	16.0
Molders.....	140	2.02	9.9	10.5	11.1
Painters.....	138	1.38	9.9	10.9	19.0
Pattern makers.....	21	2.10	9.9	11.5	12.3
Printers and bookbinders.....	273	1.83	9.0	11.4	14.0
Railroad employees.....	39	1.57	11.0	11.8	8.3
Shipping clerks.....	51	1.69	10.0	11.8	6.5
Shoe factory employees.....	42	1.64	10.0	12.0	3.8
Store clerks and salesmen.....	238	1.73	11.8	11.7	9.9
Tailors and cutters.....	66	2.02	9.9	10.9	8.4
Teamsters.....	17	1.45	10.3	11.8	5.7
Tinners.....	31	1.84	9.9	11.2	15.2
Woodworkers, hand.....	251	1.56	9.9	11.1	10.0
Woodworkers, machine.....	93	1.44	10.0	11.5	9.6
FEMALES.					
Basket workers.....	15	1.12	10.0	9.2	3.6
Bean packers.....	61	.54	10.0	8.7	1.6
Bookbinders.....	46	.77	9.9	12.0	2.3
Bookkeepers.....	35	1.36	9.4	11.1	4.3
Casket trimmers.....	11	.70	10.0	12.0	3.0
Cigar factory employees.....	117	.71	8.7	10.3	2.1
Compositors.....	18	.88	9.7	11.7	4.9
Condensed milk factory employees.....	68	.80	9.9	11.6	2.8
Corset factory employees.....	181	.90	10.0	12.0	2.8
Fur coat factory employees.....	18	.99	9.0	10.0	3.0
Laundry employees.....	36	.93	9.9	11.6	5.2
Milliners and dressmakers.....	17	1.07	10.0	10.0	4.0
Office clerks.....	17	1.09	9.4	11.2	3.7
Pants factory employees.....	62	.81	10.0	12.0	3.7
Paper mill employees.....	49	.87	10.0	12.0	2.7
Shirt factory employees.....	113	.96	10.0	12.0	2.6
Shoe factory employees.....	48	.57	10.0	12.0	1.8
Stenographers.....	61	1.23	9.0	11.8	3.9
Store clerks.....	25	.85	10.5	11.6	2.7
Tailoring shop employees.....	28	.95	9.8	9.0	6.2
Telephone operators.....	5	.61	11.0	12.0	2.0

The returns for all of the 4,800 male wage earners canvassed in 34 cities and villages showed the following average results: Daily wages,

\$1.67; hours of labor per day, 10.4; months employed during the year, 11.3; years engaged at present occupation, 9.6; age, 31.8. Fifty-eight per cent were married. The 4,800 employees had 12,474 persons to support, including the persons canvassed, or 2.6 each. Twenty-six per cent owned their homes. Those who rented homes paid an average monthly rental of \$7.02. Sixty per cent of the persons canvassed reported that they were able to save something from their earnings.

Returns for the 1,503 female employees canvassed in 22 cities and villages showed the following average results: Daily wages, \$0.87; hours of labor per day, 10.2; months employed during the year, 11.5; years engaged at present occupation, 3.2; age, 23.9. Eleven per cent were married, 82 per cent were single, and 7 per cent were widowed. Seven per cent owned their homes.

**STRIKES.**—A brief synopsis is given of each strike which occurred in the State during the year, the strikes being arranged in chronological order.

**INDUSTRIAL STATISTICS.**—This chapter contains a brief record of important events of the year relating to the industries of the State, arranged in chronological order.

## NORTH DAKOTA.

*Sixth Biennial Report of the Commissioner of Agriculture and Labor of North Dakota, for the term ending June 30, 1900.* Henry U. Thomas, Commissioner. 80 pp.

This report, like those for preceding years, is devoted mainly to statistics of agriculture. The subjects treated may be grouped as follows: Statistics of agriculture, 42 pages; live stock, 5 pages; vital statistics, 2 pages; wool market and wool production, 3 pages; farm labor statistics, 1 page; flouring mills, 2 pages; coal mines, 1 page; report on the dairy industry, 10 pages.

**FARM LABOR STATISTICS.**—A table is given showing for each county the number of male and female employees reported in 1900, their average monthly wages, and the total wages paid. The lowest average monthly wages, including board and lodging, reported in any county was \$10.18 (an average for 94 persons) for males, and \$6.50 (an average for 54 persons) for females; the highest average was \$30 (an average for 300 persons) for males, and \$18 (an average for 5 persons) for females. The average monthly wages, including board and lodging, of 14,041 male farm laborers was \$20.41, and the average monthly wages of 2,253 female farm laborers was \$11.43, including board and lodging.

**FLOURING MILLS.**—A list is given of the names and location, and in some cases the capacity, of 65 flouring mills in the State.

COAL MINES.—Tables are given showing statistics of coal-mine labor for 5 counties in 1898 and 6 counties in 1899. In 1898 returns from 19 mines showed a total employment of 220 persons, receiving \$62,727 in wages and producing 75,410 tons of coal. In 1899, 25 mines reported a total of 107 employees, receiving \$49,518 in wages and producing 78,040 tons of coal.

THE DAIRY INDUSTRY.—Returns from licensed dairymen in 1900 showed that it required 650 cows to supply milk to 1,950 private families, 40 hotels, 30 restaurants and lunch rooms, 30 boarding houses, and 20 soda fountains. The average monthly consumption was 25,000 gallons of milk, 50 gallons of cream, and 1,900 gallons of skimmed milk.

Six cheese factories were in operation six months of the year. They produced 177,780 pounds of cheese out of 1,768,978 pounds of milk from 910 cows, supplied by 111 patrons.

On October 31, 1900, there were 15 creameries in operation. Eight of these reported receiving a total of 13,605,216 pounds of milk from 5,575 cows, supplied by 535 patrons. Out of this milk 581,598 pounds of butter were manufactured. The creameries were not all in operation during the entire year.

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#### FIFTEENTH ANNUAL REPORT OF THE BOARD OF ARBITRATION AND CONCILIATION OF MASSACHUSETTS.

*Fifteenth Annual Report of the State Board of Arbitration and Conciliation of Massachusetts, for the year ending December 31, 1900.*  
224 pp.

The present report contains an introductory review of the work of the board during the year and a detailed account of each of 54 cases in which the board mediated. An appendix contains reproductions of conciliation and arbitration laws in different States.

Of the 54 cases of which the board took cognizance, 40 were strikes, 4 were lockouts, and 10 were friendly controversies. Official action was taken in 6 cases on the joint petition of the parties, in 14 cases on notice from one of the parties, and in 34 cases on the board's own motion. Twenty strikes, 3 lockouts, and 6 friendly controversies were amicably settled; in 9 cases the workmen returned to work on the employers' terms, and in 11 cases they were permanently dismissed; the 5 remaining cases were pending at the close of the year. These 54 controversies involved persons whose aggregate yearly earnings were estimated at \$2,948,588. The expense of maintaining the State board of arbitration and conciliation for the year was \$8,456.

## RECENT FOREIGN STATISTICAL PUBLICATIONS.

### DENMARK.

*Strejker og Lock'outs i Danmark 1897-1899.* Statistiske Meddelelser, fjerde Række, ottende Bind, fjerde Hæfte. Udgivet af Statens Statistiske Bureau. 141 pp.

This report contains the results of an investigation of strikes and lockouts in Denmark during the years 1897, 1898, and 1899, undertaken in compliance with a law passed December 16, 1895, which directed the collection of statistics of strikes and lockouts beginning with January 1, 1897. The information was published annually, in brief form for the years mentioned, in the statistical yearbooks of Denmark. The investigation covered all disputes resulting in a suspension of work, whether brought on at the instance of employees, as strikes, or of employers, as in the case of lockouts. The information was obtained from the employers and employees concerned by means of schedules of inquiry.

The present report comprises an analysis and summaries of the strikes and lockouts, copies of the schedules of inquiry, and details of each individual strike and lockout occurring in 1897, 1898, and 1899. The principal facts shown are the number, time, duration, causes, and results of strikes and lockouts, the number and location of establishments involved, the number and occupations of persons affected, wage loss, assistance received, and cases of arbitration. The strikes and lockouts are usually considered together in the tabulations.

In 1897 there were 77 strikes, 11 lockouts, and 23 disputes, some of which partook of the nature of both strikes and lockouts, and others were indefinite as to their character. Of the 111 disputes 68 involved 846 establishments, 3,591 strikers, and 3,559 persons locked out. Thirty-six disputes resulted in an aggregate loss of 190,439 working days and 659,742 kroner (\$176,811) in wages. In 39 disputes assistance amounting to 337,774 kroner (\$90,523) was received from labor organizations, in 13 disputes no such assistance was received, and in 59 cases this information was not reported.

In 1898 there were 136 strikes, 5 lockouts, and 6 disputes which were mixed or indefinite. Of these 147 disputes, 121 involved 1,415 establishments, 5,931 strikers, and 856 persons locked out. One hundred and seven disputes resulted in an aggregate loss of 92,433 working days and 308,863 kroner (\$82,775) in wages. In 62 disputes assistance amounting to 160,917 kroner (\$43,126) was received from labor organizations; in 37 disputes no such assistance was received, and in 48 cases this information was not reported.

In 1899 there were 81 strikes, 3 lockouts, and 14 disputes which were mixed or indefinite. Of these 98 disputes, 86 involved 5,051 establishments, 6,366 strikers, and 29,730 persons locked out. Fifty-seven disputes resulted in an aggregate loss of 2,783,111 working days and in a total wage loss of 12,063,748 kroner (\$3,233,085). In 46 disputes assistance amounting to 2,886,955 kroner (\$773,704) was received from labor organizations; in 13 disputes no such assistance was received, and in 39 cases this information was not reported.

The following table shows the number of disputes, establishments and persons involved, time and wage loss, and assistance rendered by labor organizations for each year and for the three years combined:

STATISTICS OF STRIKES AND LOCKOUTS, 1897 TO 1899.

Year.	Str'ks	Lock-outs.	Mix-ed or indef-inite.	Total dis-putes.	Establishments involved, strikers, and persons locked out.				Time and wage loss.			Assistance from labor organiza-tions.	
					Dis-putes re-report-ing.	Es-tab-lish-m'nts	Strik-ers.	Per-sons lock-ed out.	Dis-putes re-report-ing.	Days lost.	Wage loss.	Dis-putes re-report-ing.	Amt.
1897.....	77	11	23	111	68	846	3,591	3,559	36	190,439	\$176,811	39	\$90,523
1898.....	136	5	6	147	121	1,415	5,931	856	107	92,433	82,775	62	43,126
1899.....	81	3	14	98	86	5,051	6,366	29,730	57	2,783,111	3,233,085	46	773,704
Total.	294	19	43	356	275	7,312	15,888	34,145	200	3,065,983	3,492,671	147	907,353

The large number of persons locked out in 1897 and 1899 is due to two general lockouts in 1897 affecting 1,100 and 1,640 employees, respectively, and a general lockout in 1899 affecting 29,611 persons.

The two following tables show the number of disputes, establishments affected, strikers, and persons locked out, by occupations, for each of the years, 1897, 1898, and 1899:

## STRIKES AND LOCKOUTS, BY OCCUPATIONS, 1897 TO 1899.

Occupations.	1897.				1898.				1899.			
	Strikes.	Lock-outs.	Mixed or indefinite.	Total disputes	Strikes.	Lock-outs.	Mixed or indefinite.	Total disputes	Strikes.	Lock-outs.	Mixed or indefinite.	Total disputes
Millers.....	1	.....	.....	1	2	.....	.....	2	1	.....	.....	1
Bakers and confectioners.....	2	1	3	6	9	.....	1	10	3	.....	.....	3
Butchers.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	2
Cigar and tobacco workers.....	1	.....	1	2	4	.....	1	5	2	.....	.....	2
Textile workers.....	2	1	.....	3	5	1	.....	6	1	.....	.....	1
Rope makers.....	.....	.....	.....	.....	.....	.....	1	1	.....	.....	.....	.....
Tailors.....	7	1	2	10	16	1	1	18	5	.....	1	6
Glove makers.....	.....	.....	.....	.....	1	.....	.....	1	.....	.....	.....	.....
Shoe, slipper, and sabot makers.....	3	1	.....	4	10	.....	.....	10	3	1	.....	4
Barbers and hair-dressers.....	.....	.....	.....	.....	1	.....	.....	1	.....	.....	.....	.....
Masons and helpers.....	7	.....	4	11	5	.....	.....	5	1	.....	.....	1
Carpenters.....	1	.....	1	2	1	.....	.....	1	1	.....	.....	1
Joiners and cabinetmakers.....	8	.....	.....	8	4	.....	.....	4	1	1	.....	2
Wood carvers.....	.....	.....	.....	.....	2	.....	.....	2	.....	.....	.....	.....
Gilders.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1
Glaziers.....	1	.....	1	2	1	.....	.....	1	.....	.....	.....	.....
Painters.....	5	.....	.....	5	1	.....	.....	1	2	.....	.....	2
Saddle and harness makers.....	1	2	.....	3	3	.....	2	5	1	.....	1	2
Stucco workers.....	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
Sawmill hands.....	1	.....	.....	1	3	1	.....	4	.....	.....	.....	.....
Coopers.....	1	.....	.....	1	5	.....	.....	5	2	.....	.....	2
Turners.....	5	.....	.....	5	2	.....	.....	2	.....	.....	1	1
Brush makers.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	2
Wagon makers.....	3	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....
Tanners.....	2	.....	.....	2	2	.....	.....	2	1	.....	.....	1
Stone cutters and polishers.....	1	.....	.....	1	2	.....	.....	2	3	.....	.....	3
Glass workers.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	2
Metal workers.....	1	.....	.....	1	2	.....	.....	2	.....	.....	.....	.....
Finsmiths.....	1	.....	.....	1	4	.....	.....	4	1	.....	.....	1
Blacksmiths and machinists.....	2	3	.....	5	7	1	.....	8	7	.....	3	10
Molders.....	.....	.....	.....	.....	3	.....	.....	3	2	.....	.....	2
Electrical workers.....	.....	.....	.....	.....	1	.....	.....	1	1	.....	.....	1
Dyers.....	.....	.....	.....	.....	1	.....	.....	1	1	.....	.....	1
Bookbinders.....	1	.....	.....	1	1	.....	.....	1	1	.....	.....	1
Printers.....	1	.....	.....	1	3	.....	.....	3	1	.....	1	2
Sailors.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
Firemen.....	2	.....	1	3	5	.....	.....	5	5	.....	.....	5
Excavators, concrete workers, and gardeners.....	4	2	2	6	8	.....	.....	8	6	.....	2	8
Factory workers.....	4	2	3	9	10	.....	.....	10	11	.....	2	13
Unskilled laborers.....	4	.....	4	8	11	1	.....	12	9	1	.....	10
Agricultural laborers.....	4	.....	1	5	1	.....	.....	1	3	.....	.....	3
Several occupations in same dispute.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
Total.....	77	11	23	111	136	5	6	147	81	3	14	98

ESTABLISHMENTS, STRIKERS, AND PERSONS LOCKED OUT, BY OCCUPATIONS, 1897 TO 1899.

Occupations.	1897.				1898.				1899.			
	Dis- pu- tes re- port- ing.	Estab- lish- ments.	Strik- ers.	Per- sons lock- ed out.	Dis- pu- tes re- port- ing.	Estab- lish- ments.	Strik- ers.	Per- sons lock- ed out.	Dis- pu- tes re- port- ing.	Estab- lish- ments.	Strik- ers.	Per- sons lock- ed out.
Millers .....	1	1	5	-----	2	2	25	-----	1	1	92	-----
Bakers and confectioners .....	1	8	-----	10	10	393	217	720	2	2	3	-----
Cigar and tobacco workers .....	1	1	19	-----	4	4	188	-----	2	2	23	-----
Textile workers .....	3	3	72	200	6	6	331	31	1	1	2	-----
Rope makers .....	-----	-----	-----	-----	1	2	2	3	-----	-----	-----	-----
Tailors .....	2	325	1,200	100	14	20	70	18	6	47	1,366	21
Glove makers .....	-----	-----	-----	-----	1	30	168	-----	-----	-----	-----	-----
Shoe, slipper, and sabot makers .....	3	8	7	13	9	40	135	2	4	159	1,018	11
Barbers and hair dressers .....	-----	-----	-----	-----	1	30	34	-----	-----	-----	-----	-----
Masons and helpers .....	8	39	112	47	2	202	1,035	-----	1	5	.7	-----
Carpenters .....	1	3	58	-----	1	1	2	-----	1	1	8	-----
Joiners and cabinet-makers .....	7	53	170	-----	3	24	77	-----	2	2	50	1
Wood carvers .....	-----	-----	-----	-----	2	23	29	-----	-----	-----	-----	-----
Gilders .....	-----	-----	-----	-----	-----	-----	-----	-----	1	1	7	-----
Glaziers .....	2	50	70	18	1	5	5	-----	-----	-----	-----	-----
Painters .....	1	23	25	-----	1	400	1,152	-----	1	1	14	-----
Saddle and harness makers .....	1	4	-----	6	1	27	43	-----	1	10	21	-----
Stucco workers .....	1	8	29	-----	-----	-----	-----	-----	-----	-----	-----	-----
Sawmill hands .....	1	2	49	-----	3	3	36	-----	-----	-----	-----	-----
Coopers .....	1	1	22	-----	5	5	37	-----	2	2	9	-----
Turners .....	1	1	4	-----	2	15	19	-----	-----	-----	-----	-----
Brush makers .....	-----	-----	-----	-----	-----	-----	-----	-----	2	61	232	-----
Wagon makers .....	1	6	10	-----	-----	-----	-----	-----	-----	-----	-----	-----
Tanners .....	2	3	33	-----	2	2	28	-----	1	1	3	-----
Stone cutters and polishers .....	1	1	18	-----	2	2	224	-----	3	3	62	-----
Glass workers .....	-----	-----	-----	-----	-----	-----	-----	-----	2	2	99	-----
Metal workers .....	1	1	1	-----	1	1	11	1	-----	-----	-----	-----
Tinsmiths .....	-----	-----	-----	-----	1	6	6	-----	1	1	14	-----
Blacksmiths and machinists .....	5	256	125	2,802	8	11	190	68	8	11	260	61
Molders .....	-----	-----	-----	-----	1	1	8	-----	2	2	60	-----
Electrical workers .....	-----	-----	-----	-----	1	11	90	-----	1	12	80	-----
Dyers .....	-----	-----	-----	-----	1	1	59	-----	1	1	7	-----
Bookbinders .....	1	1	19	-----	1	1	4	-----	1	100	502	-----
Printers .....	1	1	5	-----	2	5	34	-----	1	1	3	-----
Firemen .....	-----	-----	-----	-----	4	4	32	-----	5	5	15	-----
Excavators, concrete workers, and gardeners .....	4	4	485	-----	7	33	283	-----	6	20	181	-----
Factory workers .....	7	13	171	340	9	12	510	-----	13	13	410	18
Unskilled laborers .....	5	25	829	18	11	92	836	13	10	81	1,397	7
Agricultural laborers .....	5	5	53	5	1	1	25	-----	3	3	32	-----
Several occupations in same dispute .....	-----	-----	-----	-----	-----	-----	-----	-----	1	4,500	398	29,611
Total .....	68	846	3,591	3,559	121	1,415	5,931	856	86	5,051	6,366	29,730

The difference in the total disputes shown in the two tables is accounted for by the fact that only a portion of the returns received show the number of establishments and persons involved.

During the three-year period from 1897 to 1899 disputes were most numerous among the tailors, factory workers, and unskilled laborers.

The causes and results of strikes and lockouts are shown in the following table:

STRIKES AND LOCKOUTS, BY CAUSES AND RESULTS, 1897 TO 1899.

Year.	Total strikes and lock-outs.	Causes.						Results.			
		Wages.	Hours of labor.	Working rules.	Personal disputes.	Trade unionism.	Other and unknown.	In favor of employers.	In favor of employees.	Compromised.	Indefinite or unsettled.
1897.....	111	62	.....	15	7	4	23	17	37	19	38
1898.....	147	114	3	10	6	3	11	28	62	39	18
1899.....	98	65	1	9	8	3	12	18	29	26	25
Total ....	356	241	4	34	21	10	46	63	128	84	81

Of the 356 strikes and lockouts reported for the three-year period, 241, or 67.70 per cent, were due to wage disputes; 34, or 9.55 per cent, to working rules and regulations; 21, or 5.90 per cent, to personal disputes; 10, or 2.81 per cent, to questions of trade unionism; 4, or 1.12 per cent, to hours of labor; and 46, or 12.92 per cent, were due to other and to unknown causes. Of the total number of strikes, 63, or 17.70 per cent, resulted in favor of the employers; 128, or 35.95 per cent, in favor of the working people; 84, or 23.60 per cent, were compromised, and 81, or 22.75 per cent, were indefinite or unsettled. Fourteen cases were settled by arbitration.

The following table shows, by days of duration, the number of strikes and lockouts and the aggregate working days lost:

STRIKES AND LOCKOUTS AND WORKING DAYS LOST, BY DURATION OF DISPUTES, 1897 TO 1899.

Days of duration.	Strikes and lockouts, the results of which were—				Total strikes and lock-outs.	Working days lost.	
	In favor of employers.	In favor of employees.	Compromised.	Indefinite or unsettled.		Disputes reporting.	Number.
7 or under .....	21	54	21	5	101	76	13,933
8 to 30 .....	12	45	32	6	95	67	68,957
31 to 91 .....	5	19	18	1	43	30	123,947
92 to 182 .....	2	6	9	3	20	14	2,883,630
Over 182 .....	3	1	3	.....	7	3	36,145
Unknown .....	20	3	1	66	90	14	8,832
Total .....	63	128	84	81	356	204	3,135,444

The strikes and lockouts were mostly of short duration. Of 266 disputes from 1897 to 1899, the duration of which was known, 101 lasted less than 7 days, 95 lasted from 8 to 30 days, 43 from 31 to 91 days, 20 from 92 to 182 days, and 7 lasted over 182 days.

The table following shows, for each year and for the whole period, the number of strikes and lockouts, grouped according to the number of persons involved:

STRIKES AND LOCKOUTS, BY NUMBER OF PERSONS INVOLVED, 1897 TO 1899.

Working people involved.	1897.		1898.		1899.		Total.	
	Strikes and lockouts.	Persons involved.						
1 to 5 .....	9	36	37	114	19	54	65	204
6 to 25 .....	31	409	48	721	39	525	118	1,655
26 to 50 .....	7	277	18	620	12	470	37	1,367
51 to 100 .....	11	764	10	669	6	462	27	1,895
Over 100 .....	11	5,744	12	4,809	13	36,514	36	47,067
Total .....	69	7,230	125	6,933	89	38,025	283	52,188
Not reported .....	42	.....	22	.....	9	.....	73	.....

Of the 283 disputes for which persons involved were reported, 183, or 64.66 per cent, involved 25 persons or less each, and but 36 involved over 100 persons each.

### GREAT BRITAIN.

*Twelfth Report on Trade Unions in Great Britain and Ireland, 1899.*  
lxvi, 316 pp. (Published by the Labor Department of the British Board of Trade.)

The present report covers ground similar to that of the report for the preceding year. The information concerning trade unions is presented in the form of detail tables showing the returns for the years 1892 to 1899 for each trade union, arranged according to industries, a series of summary tables, and an analysis. In the body of the report only those trade unions are considered which furnished returns for all the eight years. The remaining ones, which were comparatively few, are separately shown in the appendix.

The number of unions for which comparative statistics of membership are given for the period 1892 to 1899 is 1,685. Some of these were not in existence during the whole of the period, and the number on the list at the end of 1899 was 1,292, as compared with 1,218 at the end of 1892. The membership of all the unions at the end of 1899 was 1,802,518, as compared with 1,503,232 at the end of 1892, an increase of 20 per cent in eight years. The total number of trade unions decreased during 1899 from 1,310 to 1,292, the decline of 18 being due to the amalgamation of smaller unions with larger bodies. Thirty unions were formed and 30 were dissolved during the year.

The total membership of trade unions rose from 1,649,231 in 1898 to 1,802,518 in 1899, an increase of 9 per cent, the greatest proportionate increase in any of the eight years. With the exception of the unions in the clothing trades, there was an increase in the membership of every trade group of unions. The largest increase of membership during the year was in unions in the mining and quarrying industries—from 353,699 to 424,783, or 20 per cent.

At the end of 1899, 139 unions included females in their membership, the number being 120,448, or 6.7 per cent of the total trade union membership. Only 28 unions, with a membership of 8,285, were composed exclusively of women. Of the female trade unionists 90.6 per cent were engaged in the textile industries.

The following tables show the number and membership of trade unions, by groups of industries, for the eight years 1892 to 1899:

#### NUMBER OF TRADE UNIONS, BY GROUPS OF INDUSTRIES, 1892 TO 1899.

[In this tabulation only those trade unions are considered which furnished returns for all of the eight years included in this period.]

Year.	Build-ing.	Mining and quarry- ing.	Metal, engi- neering, and ship- build- ing.	Textile.	Cloth- ing.	Trans- porta- tion (land and sea).	Print- ing, pa- per, etc.	Wood- work- ing and fur- nishing.	Miscel- lanous.	Total.
1892....	96	73	298	218	44	61	52	109	267	1,218
1893....	99	79	292	223	47	64	56	114	295	1,269
1894....	123	80	286	234	45	66	56	115	306	1,311
1895....	125	81	284	244	49	67	55	118	306	1,329
1896....	133	80	289	245	53	64	57	118	302	1,341
1897....	142	67	283	250	50	66	56	122	303	1,339
1898....	136	62	278	245	48	66	54	121	300	1,310
1899....	136	60	272	242	47	68	53	123	291	1,292

#### MEMBERSHIP OF TRADE UNIONS, BY GROUPS OF INDUSTRIES, 1892 TO 1899.

[In this tabulation only those trade unions are considered which furnished returns for all of the eight years included in this period.]

Year.	Build-ing.	Mining and quarry- ing.	Metal, engi- neering, and ship- build- ing.	Textile.	Cloth- ing.	Trans- porta- tion (land and sea).	Print- ing, pa- per, etc.	Wood- work- ing and fur- nishing.	Miscel- lanous.	Total.
1892....	158,492	315,180	278,731	204,242	83,299	154,837	45,291	31,856	231,304	1,503,232
1893....	173,350	318,014	265,860	205,617	80,768	141,971	46,725	31,940	216,025	1,480,270
1894....	179,156	307,181	263,474	215,386	81,786	123,776	47,797	30,745	190,003	1,439,304
1895....	179,719	279,972	268,406	218,837	78,560	120,352	49,060	31,946	182,298	1,409,150
1896....	193,838	279,881	302,907	218,389	76,997	134,843	51,051	36,744	202,110	1,496,760
1897....	216,118	282,961	318,556	217,933	75,840	183,873	52,664	38,579	226,169	1,614,993
1898....	233,358	358,699	308,374	213,962	70,581	148,000	54,074	37,924	229,259	1,649,231
1899....	251,065	424,783	331,245	220,098	68,309	163,283	56,471	39,352	247,912	1,802,518

The largest membership in 1899, 424,783, was reported by the group of mining and quarrying. Next in order were the groups of metal, engineering, and shipbuilding, with 331,245, the building trades with 251,065, and the textile trades with 220,098 members.

The financial operations and benefit features of trade unions are shown for only 100 of the principal organizations. These in 1899 comprised 1,117,465 members, or 62 per cent of the total trade-union membership reported. The following statement shows the financial operations of the 100 principal trade unions for the eight years 1892 to 1899:

FINANCIAL OPERATIONS OF 100 PRINCIPAL TRADE UNIONS, 1892 to 1899.

Year.	Members at end of year.	Income.		Expenditures.		Funds at end of year.	
		Amount.	Per member.	Amount.	Per member.	Amount.	Per member.
1892.....	905, 116	\$7, 189, 402	\$7. 94	\$6, 988, 756	\$7. 72	\$7, 881, 306	\$8. 71
1893.....	909, 536	7, 906, 267	8. 69	9, 062, 980	9. 96	6, 724, 593	7. 39
1894.....	924, 163	7, 956, 338	8. 61	6, 995, 613	7. 57	7, 685, 318	8. 32
1895.....	915, 063	7, 592, 047	8. 30	6, 771, 988	7. 40	8, 505, 377	9. 29
1896.....	962, 138	8, 154, 157	8. 48	6, 012, 006	6. 25	10, 647, 527	11. 07
1897.....	1, 064, 493	9, 645, 335	9. 06	9, 234, 846	8. 68	11, 058, 017	10. 39
1898.....	1, 043, 183	9, 330, 390	8. 94	7, 256, 535	6. 96	13, 131, 871	12. 59
1899.....	1, 117, 465	9, 071, 185	8. 12	6, 226, 716	5. 57	15, 976, 340	14. 30

The figures show an increase in the funds at end of year, and in total membership, but a decrease in the income and expenditures. This decrease is attributed to the comparative freedom of the year from large disputes. The total expenditures of the 100 unions in 1899 were £1,279,506 (\$6,226,716), or 22s. 10 $\frac{3}{4}$ d. (\$5.57) per member. This was expended mostly on various kinds of benefits, the nature and amount of which varied considerably in the different unions. All unions pay dispute benefits, a few paying this class of benefit only. Of the 100 principal unions, 71 paid unemployed or traveling benefits, 65 paid sick or accident benefits, 41 paid superannuation benefits, and 88 paid funeral benefits. There were 19 unions which paid all classes of benefits.

The following tables show the total expenditures and the amount expended per member on each of the various benefits during each of the years 1892 to 1899.

EXPENDITURES OF 100 PRINCIPAL TRADE UNIONS ON VARIOUS BENEFITS, ETC., 1892 TO 1899.

Year.	Unem-ployed, traveling, and emi-gration benefit. (a)	Dispute benefit. (a)	Sick and accident benefit.	Super-an-nua-tion benefit.	Funeral benefit.	Other ben-e-fits and grants to members. (b)	Working and other expenses.	Total.
1892....	\$1, 591, 482	\$1, 924, 837	\$1, 022, 870	\$499, 196	\$332, 318	\$383, 519	\$1, 234, 534	\$6, 988, 756
1893....	2, 274, 451	2, 837, 646	1, 175, 751	547, 997	364, 185	609, 223	1, 253, 727	9, 062, 980
1894....	2, 212, 204	814, 988	1, 117, 723	594, 789	338, 596	566, 412	1, 350, 901	6, 995, 613
1895....	2, 061, 269	950, 588	1, 279, 228	641, 200	368, 409	242, 600	1, 228, 694	6, 771, 988
1896....	1, 302, 923	832, 021	1, 196, 224	693, 330	365, 966	298, 574	1, 322, 968	6, 012, 006
1897....	1, 639, 967	3, 082, 183	1, 302, 645	740, 458	385, 636	558, 100	1, 525, 857	9, 234, 846
1898....	1, 184, 973	1, 525, 307	1, 356, 668	796, 855	405, 993	500, 510	1, 486, 229	7, 256, 535
1899....	929, 565	587, 523	1, 471, 936	870, 403	454, 419	338, 465	1, 574, 405	6, 226, 716

a In a few cases it was not possible to separate a certain amount of unemployed benefit from dispute benefit.

b Includes grants to members, grants from one society to another, payments to federations, trade councils, congresses, etc.

EXPENDITURES PER MEMBER OF 100 PRINCIPAL TRADE UNIONS ON VARIOUS BENEFITS,  
ETC., 1892 TO 1899.

[The expenditure per member is calculated on the basis of the total membership of the 100 principal trade unions, and not on the membership of the unions paying the particular classes of benefits.]

Year.	Unemployed, traveling, and emigration benefit. (a)	Dispute benefit. (a)	Sick and accident benefit.	Superannuation benefit.	Funeral benefit.	Other benefits and grants to members. (b)	Working and other expenses.	Total.
1892 .....	\$1.76	\$2.12	\$1.13	\$0.55	\$0.37	\$0.43	\$1.36	\$7.72
1893 .....	2.50	3.12	1.29	.60	.40	.67	1.38	9.96
1894 .....	2.39	.88	1.21	.65	.37	.61	1.46	7.57
1895 .....	2.25	1.04	1.40	.70	.40	.27	1.34	7.40
1896 .....	1.35	.87	1.24	.72	.38	.32	1.37	6.25
1897 .....	1.54	2.90	1.22	.69	.36	.53	1.44	8.68
1898 .....	1.14	1.46	1.30	.77	.39	.48	1.42	6.96
1899 .....	.83	.53	1.32	.78	.40	.30	1.41	5.57

a In a few cases it was not possible to separate a certain amount of unemployed benefit from dispute benefit.

b Includes grants to members, grants from one society to another, payments to federations, trade councils, congresses, etc.

A comparison of the items of expenditures during the eight-year period shows a steady growth of expenditures per member on superannuation benefits, marked variations in the expenditures for dispute and unemployed benefits, and a comparatively uniform cost per head for sickness and accident, funeral, and other benefits and grants to members. The expenditures per head for dispute benefits and for unemployed, traveling, and emigration benefits in 1899 were smaller than during any year of the eight-year period.

The other forms of labor organizations considered in the present report are trade councils and federations of trade unions. These institutions have been defined in the digests of earlier reports. The following table shows the distribution of federations according to groups of industries and the trade councils for the years 1896 to 1899:

## FEDERATIONS OF TRADE UNIONS AND TRADE COUNCILS, 1896 TO 1899.

Groups of industries.	1896.		1897.		1898.		1899.	
	Number.	Members.	Number.	Members.	Number.	Members.	Number.	Members.
General federation of trade unions.....							1	373,290
Federations of trade unions:								
Building trades .....	37	74,648	37	91,949	34	94,612	35	110,644
Mining .....	13	401,916	12	361,182	9	300,717	10	413,485
Metal, engineering, and shipbuilding .....	16	207,759	16	212,416	17	235,606	16	242,521
Textiles .....	17	171,208	18	251,460	17	239,586	14	263,426
Transportation (land and sea) .....	3	57,820	6	72,624	6	42,914	6	25,937
Printing and allied trades .....	8	32,595	8	34,318	9	45,175	10	55,643
Woodworking and furnishing .....	12	16,833	10	16,579	9	12,072	8	11,748
Enginemen .....	4	10,082	5	10,925	4	6,766	5	7,032
Other trades.....	6	15,282	6	20,447	7	16,063	7	15,054
Total .....	116	988,143	118	1,071,900	112	993,511	112	1,518,780
Trade councils .....	153	703,121	157	705,100	156	703,506	154	687,008

The number of federations of trade unions reported in 1899 was 112, with an affiliated gross membership of 1,518,780, as compared with

993,511 in 1898. This large increase in membership was chiefly due to the formation of the general federation of trade unions in 1899. Owing to duplications arising from the fact that the same unions are sometimes affiliated with more than one federation, the gross membership is much larger than the actual number of individuals represented. Federations were most numerous in the building trades, but the largest federation membership was reported in the group of mining. The general federation of trade unions represents a membership of 373,290. There were 154 trade councils reported in 1899, representing a total membership of 687,008 persons.

The report also contains a chapter giving an analysis of the financial rules of the principal trade unions, and showing in tabular form for each union the age qualifications, entrance fees, and weekly contributions of members, and the amount of dispute and various friendly benefits paid to those entitled to the same.

*Statistics of Proceedings under the Workmen's Compensation Act, 1897, and the Employers' Liability Act, 1880, during the year 1899.* 38 pp. (Published by the Home Office.)

This report contains such statistical information as the Home Office could collect with regard to the workings of the Workmen's Compensation Act, 1897, and the Employers' Liability Act, 1880, during the year 1899. It shows for each of the countries, England and Wales, Scotland, and Ireland, statistics regarding the cases of arbitration under the Workmen's Compensation Act in the county or sheriff courts and memoranda registered in the same, the number and results of actions in county or sheriff courts under the Employers' Liability Act, statistics of the proceedings of each court, appeals to higher courts under each act, and a list of appeals under the Workmen's Compensation Act. As these statistics cover only cases which have come before the courts, they leave untouched the great body of cases in which compensation was settled by agreement and by informal arbitration.

A summary statement of the more important statistics relating to cases under the Workmen's Compensation Act in England and Wales in 1898 and 1899, and a copy of the act itself, have been published in a recent article in the Bulletin.(a)

In the two tables following are given the statistics contained in the report in relation to cases coming before the courts under the Workmen's Compensation Act and under the Employers' Liability Act, respectively, during the year 1899, in England and Wales, Scotland, and Ireland:

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<sup>a</sup>The British Workmen's Compensation Act and its operation. Bulletin No. 32, pp. 103-132.

## CASES OF ARBITRATION DURING 1899 IN COUNTY OR SHERIFF COURTS UNDER THE WORKMEN'S COMPENSATION ACT, 1897.

[In England and Ireland cases are brought in the county courts; in Scotland in the sheriff courts.]

Nature of injury.	Total cases.	How settled.				Result of cases settled in court.	Compensation awarded.				Solicitors' costs awarded.		
		Award of judge.	Award of arbitrator.	Acceptance of money paid into court.	Withdrawn, settled out of court, etc.		In favor of defendant.	In favor of plaintiff.	Lump sum.	Weekly payments.	Cases.	Amt.	
									Cases.	Amt.			
ENGLAND AND WALES.													
Deaths, leaving dependents .....	349	216	17	44	72	56	221	219	\$184,462	.....	122	\$9,338	
Deaths, not leaving dependents .....	8	7	.....	1	.....	2	6	6	237	.....	2	75	
Total disability.....	374	231	45	5	93	79	202	30	7,733	169	\$448	149	
Partial disability .....	616	374	36	23	183	109	324	62	6,646	249	553	233	
Total ...	1,347	828	98	73	348	246	753	317	199,078	418	1,001	506	
SCOTLAND.													
Deaths, leaving dependents .....	75	51	.....	.....	24	12	38	37	27,630	.....	18	763	
Deaths, not leaving dependents .....	1	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	
Total disability.....	58	33	.....	.....	25	14	19	1	64	18	44	18	
Partial disability .....	158	99	.....	.....	59	53	43	9	357	35	100	54	
Total ...	292	a 184	.....	.....	108	80	100	47	28,051	53	144	90	
IRELAND.													
Deaths, leaving dependents .....	11	7	.....	1	3	1	7	7	3,584	.....	6	125	
Deaths, not leaving dependents .....	1	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	
Total disability.....	14	6	.....	.....	8	.....	6	.....	.....	.....	6	210	
Partial disability .....	33	15	.....	4	14	8	11	3	983	8	20	6	
Total ...	59	29	.....	5	25	10	24	10	4,567	14	36	16	
												401	

a Includes 4 cases at arizandum.

## CASES DURING 1899 UNDER EMPLOYERS' LIABILITY ACT, 1880.

Nature of injury.	Total cases.	Result.				Damages awarded.		Solicitors' costs awarded.	
		Judg- ment for plain- tiff.	Judg- ment for defend- ant.	Re- moved to higher court.	Other- wise dis- posed of.	Cases.	Amt.	Cases.	Amt.
<b>ENGLAND AND WALES.</b>									
Deaths .....	39	14	7	1	17	14	\$7,820	17	\$1,506
Total disability.....	61	20	9	.....	32	20	10,475	17	2,663
Partial disability .....	405	119	75	.....	211	119	33,678	142	13,912
<b>Total</b> .....	<b>505</b>	<b>153</b>	<b>91</b>	<b>1</b>	<b>260</b>	<b>153</b>	<b>51,973</b>	<b>176</b>	<b>18,081</b>
<b>SCOTLAND.</b>									
Deaths .....	21	1	1	5	14	1	365	1	262
Total disability.....	28	1	6	4	17	1	97	1	64
Partial disability .....	96	3	15	9	69	3	1,314	6	581
<b>Total</b> .....	<b>145</b>	<b>5</b>	<b>22</b>	<b>18</b>	<b>160</b>	<b>5</b>	<b>1,776</b>	<b>8</b>	<b>907</b>
<b>IRELAND.</b>									
Deaths .....	2	.....	2	.....	.....	.....	.....	2	35
Total disability.....	7	3	1	.....	3	3	284	4	67
<b>Total</b> .....	<b>9</b>	<b>3</b>	<b>3</b>	<b>.....</b>	<b>3</b>	<b>3</b>	<b>284</b>	<b>6</b>	<b>102</b>

In England and Wales, of the 1,347 cases under the Workmen's Compensation Act during 1899, coming before the county courts, 828 were decided by award of the judge, 98 by award of an arbitrator, and 73 by acceptance of money paid into court. The remaining 348 cases were withdrawn, settled out of court, or otherwise disposed of. Of the 999 cases settled within the cognizance of the court, 246 were in favor of the defendant and 753 were in favor of the plaintiff. In 317 cases lump sums amounting to £40,907 16s. 11d. (\$199,078.03) were awarded. These were mostly cases of deaths. In 418 cases, weekly payments were awarded. These were all cases of total or partial disability. Of the 1,347 cases coming before the courts, 357 related to deaths, 374 to total disability, and 616 to partial disability.

Of the 505 cases under the Employers' Liability Act coming before the county courts during 1899, 153 were decided in favor of the plaintiff, 91 in favor of the defendant, 1 was removed to a higher court, and 260 were otherwise disposed of. Damages were awarded in 153 cases, aggregating £10,679 16s. 10d. (\$51,973.45). The number of cases under this act show a considerable decrease since the enforcement of the Workmen's Compensation Act, namely, from 688 in 1897 to 681 in 1898 and 505 in 1899. The solicitors' costs awarded amounted to £5,932 8s. 5d. (\$28,870.12) in 506 cases under the Workmen's Compensation Act and to £3,715 9s. 11d. (\$18,081.46) in 176 cases under the Employers' Liability Act.

In Scotland, of the 292 cases under the Workmen's Compensation Act during 1899, coming before the sheriff courts, 184 were decided by award of the judge and 108 were withdrawn or otherwise settled out of court. Of the 184 cases settled in court 80 were in favor of the defendant, 100 in favor of the plaintiff, and 4 were cases at *avizandum*.

In 47 cases, mostly relating to deaths, lump sums amounting to £5,764 1s. 6d. (\$28,050.87) were awarded. In 53 cases, all of which related to disability, weekly payments were awarded. Of the 292 cases coming before the courts 76 related to deaths, 58 to total disability, and 158 to partial disability.

Of the 145 cases under the Employers' Liability Act coming before the sheriff courts during 1899, 5 were decided in favor of the plaintiff, 22 in favor of the defendant, 18 were removed to higher courts, and 100 were otherwise disposed of. Damages were awarded in 5 cases, aggregating £365 (\$1,776.27). The solicitors' costs awarded amounted to £485 18s. 1d. (\$2,364.65) in 90 cases under the Workmen's Compensation Act and to £186 6s. 9d. (\$906.81) in 8 cases under the Employers' Liability Act.

In Ireland, of 59 cases under the Workmen's Compensation Act during 1899, coming before the county courts, 29 were decided by award of the judge, 5 by the acceptance of money paid into court, and 25 were withdrawn or otherwise settled out of court. Of the 34 cases settled in court, 10 were in favor of the defendant and 24 in favor of the plaintiff. In 10 cases mostly relating to deaths, lump sums aggregating £938 10s. (\$4,567.21) were awarded. In 14 cases of disability weekly payments were awarded. Of the 59 cases coming before the courts 12 related to deaths, 14 to total disability, and 33 to partial disability.

Of the 9 cases under the Employers' Liability Act coming before the county courts, 3 were decided in favor of the plaintiff, 3 in favor of the defendant, and 3 were otherwise disposed of. Damages were awarded in 3 cases, aggregating £58 6s. (\$283.72). The solicitors' costs awarded amounted to £82 8s. 9d. (\$401.18) in 16 cases under the Workmen's Compensation Act and to £20 19s. 3d. (\$102.01) in 6 cases under the Employers' Liability Act.

The following table shows the cases coming before the county or sheriff courts under the Workmen's Compensation Act, 1897, and the Employers' Liability Act, 1880, during 1899, classified according to the nature of employment of the persons concerned:

CASES DURING 1899 COMING BEFORE THE COUNTY OR SHERIFF COURTS UNDER THE WORKMEN'S COMPENSATION ACT, 1897, AND THE EMPLOYERS' LIABILITY ACT, 1880, ACCORDING TO NATURE OF EMPLOYMENT.

Nature of employment.	Cases under Workmen's Compensation Act, 1897.				Cases under Employers' Liability Act, 1880.			
	England and Wales.	Scot-land.	Ireland.	United King-dom.	England and Wales.	Scot-land.	Ireland.	United King-dom.
Railway .....	104	32	4	140	12	16	.....	28
Factory .....	686	116	37	839	295	41	4	340
Mine .....	233	54	1	288	2	25	2	29
Quarry .....	51	7	8	66	6	5	.....	11
Engineering work .....	114	39	4	157	34	9	.....	43
Building .....	159	44	5	208	130	34	2	166
Other .....	.....	.....	.....	.....	26	15	1	42
Total.....	1,347	292	59	1,698	505	145	9	659

There were 54 cases of appeal to the court of appeal under the Workmen's Compensation Act in England and Wales, 23 of which were by workmen and 31 by employers. Of the former 5 were allowed, 13 were dismissed, and 5 were otherwise disposed of, and of the latter 11 were allowed, 14 were dismissed, and 6 were otherwise disposed of. In Scotland there were 18 cases of appeal to the court of session under this act, 7 by workmen and 11 by employers. Of the former 3 were allowed and 4 were dismissed, and of the latter 4 were allowed, 6 were dismissed, and 1 was otherwise disposed of. In Ireland there were 4 cases, 3 by workmen and 1 by employers. The former were dismissed, the latter was allowed.

Under the Employers' Liability Act there were 21 cases appealed to the high court of justice in England and Wales, 8 of which were by workmen and 13 by employers. Of the former 4 were allowed, 3 were dismissed, and 1 was otherwise disposed of. Of the latter 4 were allowed, 7 were dismissed, and 2 were otherwise disposed of. In Scotland there were 51 cases of appeal to the court of session, 50 by workmen and 1 by employers, the latter being dismissed. Of the 50 appeals by workmen, a verdict was given for the workmen in 9 cases, for employers in 5 cases, 31 were otherwise disposed of, and 5 were dismissed. In Ireland there were 2 cases of appeal to the high court of justice, both of which were brought by workmen. One was allowed and the other dismissed.

While the Workmen's Compensation Act requires that memoranda of cases settled by committees, agreed arbitrators, or by agreement should be sent to the registrars of county courts for registration, the cases so reported represent but a very small proportion of the actual number. The cases registered in England and Wales in 1899 numbered 763, of which 651 were settled by agreement, 89 by committees, and 23 by agreed arbitrators. In 130 of these cases lump sums aggregating £14,301 17s. 3½d. (\$69,600.02) were awarded, and in 633 cases the awards were for weekly payments. In Scotland 27 cases were registered, 24 of which were settled by agreement and 3 by agreed arbitrators. Lump sums aggregating £2,728 12s. 6d. (\$13,278.85) were awarded in 16 cases. In 11 cases the awards were for weekly payments. In Ireland 13 cases were registered, 11 of which were settled by agreement, and 2 by agreed arbitrators. In 9 cases lump sums aggregating £756 19s. 2d. (\$3,683.74) were awarded, and in 4 cases the awards were for weekly payments.

There are no statistics showing the actual number of cases in which compensation was paid or claimed under the Workmen's Compensation Act, and there are no official figures which would give even a rough idea of the number of accidents coming within this act. Official statistics of deaths by accident in railways, factories, mines, and quarries in England and Wales show a total of 2,053 during 1899, of which

number but 319, or 15.5 per cent, resulted in claims being carried before the courts for decision.

Up to December 31, 1899, 47 compensation schemes had been certified in England and Wales by the registrar of friendly societies, affecting 130,704 employees. These were distributed among the following industries: Railways, 2 schemes, affecting 41,174 employees; factories, 17 schemes, affecting 16,365 employees; mines, 27 schemes, affecting 72,695 employees; quarries, 1 scheme, affecting 470 employees. One scheme for Government employees was also certified in 1899. In Scotland 2 schemes have been certified, both in 1898. They were both for factories, and affected 2,750 employees.

### ITALY.

*Relazione sull'applicazione della legge 11 febbraio 1886 sul lavoro dei fanciulli nelle fabbriche e nelle miniere, dal 1° luglio 1896 al 31 dicembre 1898.* Camera dei Deputati. Presentata dal Ministro di Agricoltura, Industria e Commercio. 51 pp.

The present report on child labor in Italy was made by the minister of agriculture, industry, and commerce to the Italian chamber of commerce, in accordance with the requirements of the law of February 11, 1886.(a) The information contained in this report is mainly such as is usually found in reports of factory and mine inspectors, showing the number of factories and mines visited, the cases of violation found and prosecuted, etc. It also contains statistics showing the extent of child labor employed in certain industrial establishments and in the mining and metal industries. The report covers the period from July 1, 1896, to December 31, 1898.

The following table gives statistics showing the number of children employed in the mines and factories inspected in 1896, 1897, and 1898:

CHILDREN EMPLOYED IN MINES AND FACTORIES, 1896-1898.

Industries and years.	Establishments which employed children.	Total employees.	Children employed.		Children of from—					
			Number.	Per cent of total employees.	9 to 10 years.		10 to 12 years.		12 to 15 years.	
					Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
<b>MINING AND METAL.</b>										
1896.....	2,982	60,021	9,198	15.32	b 75	b 0.83	b 1,238	b 13.75	b 7,692	b 85.42
1897.....	3,249	70,476	10,245	14.54	c 220	c 2.20	c 1,938	c 19.36	c 7,852	c 78.44
1898.....	4,092	70,409	10,327	14.67	370	3.58	1,575	15.25	8,382	81.17
<b>OTHER.</b>										
1897.....	781	95,908	15,592	16.26	d 197	d 1.30	d 2,745	d 18.07	d 12,247	d 80.62
1898.....	808	90,972	11,641	12.80	e 110	e .96	e 886	e 7.70	e 10,506	e 91.34

a For an account of this law, see Bulletin No. 30, pp. 1053-1056.

b Not including 193 children whose ages were not reported.

c Not including 235 children whose ages were not reported.

d Not including 403 children whose ages were not reported.

e Not including 139 children whose ages were not reported.

The above table shows an increase in the number of children employed in mining and metal industries during the period, although the proportion of children to total employees shows a decrease from 1896 to 1897. The number and proportion of children from 9 to 10 years, as compared with other age groups, show an increase each year. The number and proportion of children in the other industries considered show a considerable decrease from 1897 to 1898. The proportion of children from 9 to 10 and from 10 to 12 years of age shows a decided decrease, while the proportion from 12 to 15 years shows a corresponding increase from 1897 to 1898.

#### NETHERLANDS.

*Verslagen der Kamers van Arbeid over 1899.* 95 pp. (Published by the Ministry of Waterstaat, Commerce, and Industry.)

This is a compilation of the material contained in the first annual reports made by the local councils of labor established by royal decree in accordance with an act passed May 2, 1897.(a) It comprises a list of 60 councils of labor organized up to January 1, 1900, showing the date of the royal decree, the date of organization, and the industry for which organized, in each case. Lists and tables compiled from 27 councils reporting, show, in addition, the names and occupations of the members on December 31, 1899, an alphabetical arrangement of the industries represented, the number of persons on the voting lists and the number who voted at the elections, and the number of meetings held by the councils and by the governing boards. Extracts, in text form, from the individual reports are also given.

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<sup>a</sup>For an account of this law showing the purposes, organization, etc., of these councils of labor see Bulletin No. 30, pp. 1046-1051.

## DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, has been continued in successive issues. All material parts of the decisions are reproduced in the words of the courts, indicated when short by quotation marks and when long by being printed solid. In order to save space, immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

## DECISIONS UNDER STATUTORY LAW.

CONSTITUTIONALITY OF CITY ORDINANCE, ETC.—CONTRACTOR TO EMPLOY NONE BUT MEMBERS OF LABOR UNIONS—EIGHT HOURS TO CONSTITUTE A DAY'S LABOR—*Fiske v. People ex rel. Raymond*, Supreme Court of Illinois, 58 Northeastern Reporter, page 985.—This was an application by the people, on the relation of S. B. Raymond, against David E. Fiske, for a judgment of sale for a special assessment for a street improvement. From a judgment for relator, rendered in the county court of Cook County, Ill., the defendant appealed the case to the supreme court of the State which rendered its decision December 20, 1900, and affirmed the judgment of the lower court.

The question of the constitutionality of an ordinance of the city of Chicago, providing that the successful bidders for the doing of any public work or making of any public improvement must agree to hire no employees who were not members of labor unions, was raised in this case as was also a question as to the constitutionality of a provision in the specifications attached to the particular contract in the case to the effect that the contractor must not allow his employees to work more than eight hours in any one day, and that if he should do so his contract should be forfeited.

The court decided that, for certain reasons, these questions had no bearing upon the facts of the case and no influence upon the decision, yet it did state that both the ordinance and the provision of the specifications referred to were unconstitutional and void and on this point the language of the opinion of the court, delivered by Judge Magruder, is as follows:

Undoubtedly the ordinance of October 17, 1898, is unconstitutional and void. The requirement that the bidder for doing the work on a public improvement shall agree to hire only members of labor unions in the performance of such work, and that, in all contracts executed by the commissioner of public works on behalf of the city, the contractor shall agree to hire only members of labor unions, amounts to

a discrimination between different classes of citizens, and lays down a rule which restricts competition and increases the cost of work. Under our constitution and laws, any man has a right to employ a workman to perform labor for him, whether such workman belongs to a labor union or not; and any workman has a right to contract for the performance of labor, irrespective of the question whether he belongs to a labor union or not. Such ordinances and contracts as the ordinance of October 17, 1898, have been recently held to be unconstitutional and void, in the cases of *Adams v. Brenan*, 177 Ill., 194, 52 N. E., 314, and *Holden v. City of Alton*, 179 Ill., 318, 53 N. E., 556. These cases are conclusive as to the invalidity of this ordinance.

It is contended by counsel for appellant in his argument that a provision in the specifications attached to the contract made between the contractor and the city of Chicago for the doing of the work upon the improvement in question is illegal, as limiting the number of hours in each working day. The provision thus referred to is as follows: "In the prosecution of the work under these specifications, eight hours shall constitute a day's labor; and any contractor or contractors who shall compel or allow laborers or employees to work more than eight hours in one day shall be liable to have this contract forfeited, as provided by section 1687 of the Revised Code of the City of Chicago: Provided, however, that in case of emergency the contractor or contractors may, by and with the written consent of the board of local improvements, allow laborers and employees to work extra time."

That part of this clause in the specifications which makes the contractor liable for a forfeiture of his contract if he allows laborers or employees to work more than eight hours in one day is unquestionably void and unconstitutional. It infringes upon the freedom of contract, to which every citizen is entitled under the law. It is true that a legislative act which prescribes the length of time amounting to a day's work, when no special agreement upon the subject is made between the parties, is a valid act. But any statute providing that the employer and laborer may not agree with each other as to what time shall constitute a day's work is an invalid act.

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CONSTITUTIONALITY OF STATUTE—MECHANICS' LIEN LAW—*Barrett et ux. v. Millikan*, Supreme Court of Indiana, 60 Northeastern Reporter, page 310.—This action was brought by one Millikan against Charles E. Barrett and wife to enforce a lien for materials furnished for and used in the repair of a dwelling house erected on a lot owned by Barrett in the city of Indianapolis, Ind. In the superior court of Marion County, Ind., a judgment in favor of Millikan was rendered, and Barrett appealed to the supreme court of the State, calling in question the constitutionality of the act generally known as the "Mechanics' Lien Law." [Burns's Revised Statutes, 1894, §§ 7255-7259.] The supreme court rendered its decision April 23, 1901, sustaining the judgment of the superior court and declaring the act in question to be a constitutional and valid law.

The following is a quotation from the opinion of the supreme court, which was delivered by Chief Justice Dowling:

The six objections [made by the appellant, Barrett, to the validity of the "Mechanics' Lien Law"] may fairly be reduced to three, viz: (1) The act authorizes the appropriation of the property of the land-owner without due process of law; (2) it impairs the obligation of contracts; (3) it grants to one class of citizens privileges not granted upon the same terms to others.

The judgment in *Jones v. Hotel Co.* (C. C. S. D., Ohio), 79 Fed., 477, referred to in appellant's brief, was overruled by the circuit court of appeals (86 Fed., 370, 30 C. C. A., 108), Lurton and Taft, circuit judges, and Clark, district judge, sitting. The opinion of the court was delivered by Judge Lurton, who fully reviewed the Ohio statutes on the subject of mechanics' liens, and said: "The validity of such statutes, however, need not be rested upon mere authority. They find sanction in the dictates of natural justice, and most often administer an equity which has recognition under every system of law. That principle is that everyone who by his labor or materials has contributed to the preservation or enhancement of the property of another thereby acquires a right to compensation. \* \* \* The legal effect of the contract is to give a lien to all who at the instance of his contractor shall be employed to furnish labor or materials for the work which he has let out. So far as such a statute is limited to future contracts, it can not be said to impair the obligations of a contract. If the law be subject to no other objections, it impairs no contract, for all thereafter made are entered into upon the basis of the law. \* \* \* Neither can the owner be said to be thereby deprived of property without due process of law. He has voluntarily made a contract, with the law before him. He has thereby subjected his property to liability for certain debts of the contractor. His own voluntary consent is an element in the transaction. He knows what the law is, and makes a contract under the law. It is idle to say that under such circumstances he is deprived of his property without due process of law."

The question of the constitutionality of this act was thoroughly examined and emphatically decided by this court in *Smith v. Newbaur*, 144 Ind., 95; 42 N. E., 40, 1094; 33 L. R. A., 685. It was held in that case that the act was not objectionable on the ground that under it the owner might be deprived of his property without due process of law; that the owner contracts in contemplation of the statute, and that the statute does not restrict the ability of the owner to contract. These views we think are sound, and upon similar grounds statutes of the same kind have been sustained in most of the States of the Union.

The last objection to the statute taken by the appellants—that the act favors a particular class of citizens to the exclusion of other citizens—is not sustained either by reason or authority. The classification is just, natural, and reasonable. It is open to all, and it applies equally to all the citizens of the State who bring themselves within the remedial scope of this act.

CONSTITUTIONALITY OF STATUTE—PRIORITY OF CLAIMS FOR WAGES OVER CLAIMS UNDER CHATTEL MORTGAGES—*Small v. Hammes et al.*, *Supreme Court of Indiana*, 60 *Northeastern Reporter*, page 342.—This was an action brought to recover for wages due and unpaid in a case where the property in question had been taken possession of by the holders of mortgages upon the same and the main question in issue was whether the claims for wages should, under the law, be paid before the sums due under the mortgages could be paid and satisfied. In the circuit court of Huntington County, Ind., a judgment was rendered in favor of the plaintiffs, the claimants for wages, and the defendants appealed the case to the supreme court of the State, which rendered its decision May 8, 1901, and affirmed the judgment of the lower court.

The pertinent facts in the case and the reasons for the decision are stated in the opinion of the supreme court, delivered by Chief Justice Dowling, and in the course of the same the following appears:

The right of the appellees [the wage claimants] to proceed against the property described in the complaint, it is claimed, is derived from the provisions of the act of March 17, 1885 (Acts 1885, p. 95; Burns' Rev. St., 1894, § 7051), the substance of which, so far as it is applicable to this case, may be thus stated: Hereafter, when the business of any person shall be suspended by the action of creditors, then the debts owing to employees for labor, to an amount not exceeding \$50 each, for work performed within six months next preceding the seizure of the property of such person, shall be treated as preferred debts, and such employees shall be preferred creditors, and shall be first paid in full.

The appellant contends that the act can not be so construed as to give the appellees an equity superior to the lien of the two chattel mortgages under which he claims title, and that, if the act is susceptible of such a construction, it is unconstitutional, because it impairs the obligation of contracts, and devests vested rights.

The meaning of the statute is unmistakable. Its evident intention is to provide for the payment to the extent of \$50 of the claims of wage-earners out of the proceeds of the sale of the property of the employer, whose business has been suspended by the action of creditors, before the payment of any other claims, costs excepted, whether secured by lien or otherwise. Such statutes are said to be founded upon the broadest equity, and for the protection of a peculiarly helpless and meritorious class of creditors, whose claims are usually small, and who are suddenly compelled to shift for themselves by the failure of their employer. If the statute does not, in terms, create a specific lien upon the property of the employer, it accomplishes the same result by securing to the employee priority of payment over all other claimants out of the proceeds of the property of the employer. The effect of the statute, as we construe it, is to give the appellees the right of priority of payment over appellant, and to make the claim of the employees superior to the rights of the appellant under the mortgages. This being the necessary legal effect of the statute, is the act thereby rendered unconstitutional?

It can not be said to impair the obligations of contracts, because it operates only on contracts entered into after its enactment. (*Jones v.*

Hotel Co., 86 Fed., 370, 30 C. C. A., 108.) Nor is it invalid on the ground that it divests vested rights. The legislature has the power to regulate and control the priority of all statutory liens which may be created after the declaration of the legislative will, and every contract is presumed to be entered into with reference to existing laws. The lien of a chattel mortgage, where the property remains in the possession and use of the mortgagor or his assigns, is quite as much a creature of the statute as the preference or priority of payment secured to the laborer or employee by the act under consideration.

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EMPLOYERS' LIABILITY—CONSTRUCTION OF STATUTE—GUARDING OF MACHINERY—*Powalske v. Cream City Brick Co.*, Supreme Court of Wisconsin, 86 Northwestern Reporter, page 153.—Action was brought by Benedick Powalske against the above-named company to recover damages for personal injuries incurred while in its employ. The evidence showed that his employment did not bring him within the reach of danger from an unguarded shaft, which was about 18 inches from his place of work; that a movement directly toward the shaft was guarded against by a large pile of stones; that the only way to reach the shaft was by stepping out of his path and up on the pile of stones, which was not required in his work; that he was engaged in winding a coil of rope around his wrist, and caught the rope near its loose end preparatory to putting it on a shelf; that the loose end was caught by the wind and carried up against the shaft, where it caught and was wound up so rapidly that he could not disengage his arm therefrom, but was drawn to the shaft and revolved around the same and severely injured. He alleged negligence on the part of his employer in not guarding the shaft, which he claimed was made obligatory upon the employer by the provisions of section 1636j of the Revised Statutes of Wisconsin. A judgment for the defendant employer was rendered in the superior court of Milwaukee County, Wis., and the plaintiff appealed to the supreme court of the State, which rendered its decision May 21, 1901, and affirmed the decision of the lower court, holding that the section of the Revised Statutes above referred to only required the guarding of such shafting as was dangerous in its unguarded condition; that such condition is not determined by the fact alone that an employee was injured thereby, and that the employer is not required by said law to guard shafting which was so located that an employee must go out of his ordinary course, or the course which he might be reasonably expected to take in order to reach it.

The opinion of the supreme court was delivered by Judge Marshall, who, in the course of the same, used the following language:

Section 1636j, Revised Statutes, provides that "The owner or manager of every place where persons are employed to perform labor shall securely guard or fence all \* \* \* shafting \* \* \* which is so located as to be dangerous to employees in the discharge of their

duty." Now, if it would not be reasonable to say, on the facts of this case, that the shafting in question was so located that respondent, in the exercise of that care for the safety of its employees which is contemplated by the statute, ought to have apprehended that it might probably cause a personal injury to some one of them, appellant's case failed at the very outset. The statute does not require every shaft in a factory to be guarded or fenced, but only such as are so located as to be dangerous to employees in the discharge of their duties. It does not hold the owner of a factory, where machinery of the kind it mentions is used, bound to anticipate every possible danger to his employees that may in any event exist therefrom by reason of its being unguarded. The statute must have a reasonable, sensible construction.

It plainly contemplates that persons required to comply with its provisions shall exercise ordinary judgment in determining whether machinery should be guarded, and that, in such exercise, they shall bring to bear upon the subject ordinary prudence and intelligence under the circumstances of each particular case.

So, whether the shaft in question was dangerous in its unguarded condition, within the meaning of the statute, is not to be determined or necessarily influenced by the mere fact that appellant was injured thereby. If it had been located several feet above appellant's head as he was about his work, it would still have been possible for him to have been injured by it in many ways that might be imagined.

The question is, Would a person of ordinary intelligence and prudence, circumstanced as defendant's officers or those having charge of its business were, have apprehended that the unguarded shaft might probably cause a personal injury to some employee while in the discharge of his duties? If not, then the failure to guard it was not a breach of duty to appellant; and if the circumstances of the case upon which the conclusion must turn were, upon the evidence, so clearly in favor of respondent as not to reasonably admit of a finding to the contrary, manifestly it was free from the charge of actionable negligence upon which appellant contends the case should have been submitted to the jury, and the nonsuit was properly granted.

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SEAMEN—SUITS FOR WAGES—JURISDICTION OF STATE COURTS—*Calvin v. Huntley and Treu v. Same*, Supreme Judicial Court of Massachusetts, 59 Northeastern Reporter, page 435.—Actions were brought by two seamen, Calvin and Treu, against one Huntley. From judgments dismissing said actions, rendered in the superior court of Bristol County, Mass., the plaintiffs appealed the cases to the supreme judicial court of the State, which rendered its decision February 27, 1901, and reversed the judgments of the lower court.

The opinion of the appellate court, delivered by Judge Hammond, shows the facts in the case and contains the following language:

In each of these actions the plaintiff, a seaman, seeks to recover against the master of the vessel the wages earned by him up to the time of his discharge, and in addition thereto a sum equal in amount to one month's wages, as provided in Rev. St. U. S., sec. 4527. The cases are before us on appeals from a judgment of the superior court dismissing them for want of jurisdiction.

While a seaman may maintain a libel in the admiralty court for his wages, he can also maintain at his election an action at common law against the master or owner of the vessel. And such an action is within the exceptions named in Rev. St. U. S., sec. 4547, "that nothing herein contained shall prevent any seaman from maintaining an action at common law for the recovery of his wages." It is also well settled that civil cases arising under the Constitution and laws of the United States may be tried and determined in the State courts, unless the national Constitution or laws have vested exclusive jurisdiction of them in the Federal courts.

But it is urged that this is an action to recover a forfeiture or penalty within the meaning of Rev. St. U. S., sec. 711, cl. 2, which provides that the Federal courts shall have exclusive jurisdiction "of all suits for penalties and forfeitures incurred under the laws of the United States." Section 4527, which applies to this action, is as follows: "Any seaman who has signed an agreement and is afterwards discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned." It is to be observed that the language of the section is not that ordinarily used in a penal statute. Neither the word "penalty" nor "forfeiture" is in it. Moreover, it does not provide punishment for the commission of a criminal offense, nor for the neglect of a statutory duty, nor even for the neglect of a duty in the performance of which the public, as such, may be supposed to have an interest. It speaks not of punishment, but of compensation. Its object is to protect the seaman from loss, rather than to punish the master for discharging him. The remedy is given to the seaman alone, and its plain purpose is to furnish a clear and well-defined rule of damages, as between him and the master, for a breach of contract in which the seaman and the master or owner are the only persons interested.

The statute, being the law of the jurisdiction where the contract was made, is the law with reference to which the parties must be presumed to have contracted, or, in other words, it is the law of the contract, and it is as much a part of the contract as though inserted therein.

Nor does the rule of damage seem unreasonable. The shipping contract calls upon the seamen to go to various places, sometimes far from home, and it may be, for instance, as in this case was the actual fact, that he may be discharged in a port distant from that where he signed the articles, or where he can not immediately secure any other employment on board ship or elsewhere, and that in all fairness he should recover more than the amount due him for wages earned. Hence it might be deemed advisable to have this indefinite element made definite by a general law with reference to which the parties may conclusively be presumed to have contracted, and which, therefore, should be taken to be the law of the contract. The object of the statute is not to punish, but to provide a reasonable rule of compensation in a breach of contract. We think the statute not penal, but remedial. It follows that the State court had jurisdiction. Judgment dismissing actions reversed.

## DECISIONS UNDER COMMON LAW.

DISCHARGE OF EMPLOYEE—LIABILITY OF THIRD PERSON FOR FALSE STATEMENTS MADE TO EMPLOYER—*Moran v. Dunphy*, Supreme Judicial Court of Massachusetts, 59 Northeastern Reporter, page 125.—This was an action brought by one Moran, as plaintiff, against one Dunphy, as defendant, to recover damages on account of statements made by Dunphy to one Cowan, by whom the plaintiff was employed, which were of such a character that Cowan discharged the plaintiff. The employment was at will, the employer, Cowan, having the right to discharge Moran at any time and therefore not being liable in damages for said discharge.

In the superior court of Suffolk County, Mass., where the trial was held, the defendant demurred to the plaintiff's declaration and a decision in his favor was rendered, the demurrer being sustained. The plaintiff appealed the case to the supreme judicial court of the State, which rendered its decision January 4, 1901, modifying the decision of the lower court, and, while sustaining the demurrer to one count of the declaration, it allowed the plaintiff to amend. In the course of the opinion of the supreme court, delivered by Chief Justice Holmes, the law in the case was laid down as follows:

In view of the series of decisions by this court, from *Walker v. Cronin*, 107 Mass., 555, to *Plant v. Woods*, 176 Mass., 492, 57 N. E., 1011, we can not admit a doubt that maliciously and without justifiable cause to induce a third person to end his employment of the plaintiff, whether the inducement be false slanders or successful persuasion, is an actionable tort.

We apprehend that there no longer is any difficulty in recognizing that a right to be protected from malicious interference may be incident to a right arising out of a contract, although a contract, so far as performance is concerned, imposes a duty only on the promisor. Again, in the case of a contract of employment, even when the employment is at will, the fact that the employer is free from liability for discharging the plaintiff does not carry with it immunity to the defendant who has controlled the employer's action to the plaintiff's harm. The notion that the employer's immunity must be a nonconductor, so far as any remoter liability was concerned, troubled some of the judges in *Allen v. Flood* [1898], App. Cas., 1, but is disposed of for this Commonwealth by the cases cited.

So, again, it may be taken to be settled by *Plant v. Woods*, 176 Mass., 492, 501, 502, 57 N. E., 1011, that motives may determine the question of liability; that, while intentional interference of the kind supposed may be privileged if for certain purposes, yet, if due only to malevolence, it must be answered for. On that point the judges were of one mind.

Finally, we see no sound distinction between persuading by malevolent advice and accomplishing the same result by falsehood or putting in fear. In all cases the employer is controlled through motives created by the defendant for the unprivileged purpose. It appears to us not to matter which motive is relied upon. If accomplishing the end by one of them is a wrong to the plaintiff, accomplishing it by either of the others must be equally a wrong.

STREET RAILWAYS—NOT NEGLIGENCE TO ATTEMPT TO OPERATE CARS DURING STRIKE OF EMPLOYEES—*Fewings v. Mendenhall*, Supreme Court of Minnesota, 86 Northwestern Reporter, page 96.—Action was brought by Fred J. Fewings against one Mendenhall, the receiver of the Duluth Street Railway Co., to recover damages for injuries sustained by him while a passenger on one of the cars of said road during the progress of a strike of its employees. In the district court of Saint Louis County, Minn., the plaintiff recovered a judgment and the defendant appealed the case to the supreme court of the State, which rendered its decision May 17, 1901, and reversed the judgment of the court below.

The opinion of the supreme court was delivered by Chief Justice Stark, and from the syllabus of the same, which was prepared by the court, the following, showing the principal point of the decision, is quoted:

A street railway company is not, as to its passengers, guilty of negligence in attempting to operate its cars during a strike of its employees, unless the conditions are such that it ought to know, or ought to reasonably anticipate, that it can not do so and at the same time guard from violence, by the exercise of the utmost care on its part, those who accept its implied invitation to become passengers.

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STRIKES—POWERS OF COURT OF EQUITY TO ISSUE INJUNCTION—*Underhill v. Murphy et al.*, Circuit Court of Kenton County, Kentucky.—A petition was filed in the above-named court by John T. Underhill against Walter Murphy and others, asking for the issuance of a temporary injunction restraining the defendants from the commission of certain acts. The decision in the case was recently rendered by Judge James Pryor Tarvin, who held the court, and the injunction was refused. The text of this decision is obtained from a number of the Typographical Journal of date of August 15, 1901, being published therein on pages 174 and 175, and a letter from the clerk of the court of recent date states that the publication is “an accurate statement of the text of the decision but not an exact copy.” Owing to its great interest this decision as published, and which contains a statement of the facts in the case, is reproduced below:

*John T. Underhill v. Walter Murphy, etc.*: This cause is submitted on a motion for a temporary injunction.

The plaintiff, John T. Underhill, is a master plumber, engaged in his business in the city of Covington for many years, and has built up a large and lucrative trade, and established a valuable good will in Covington and vicinity. The defendants, Murphy and others, were the employees of Underhill, and joined in a strike, and have since occupied the position of strikers in relation to Underhill and other master plumbers. These defendants belong to a union of plumbers, an organization created and existing for the protection and benefit of labor, and that union has conducted the strike.

At the time his employees quit him Underhill was under a number of contracts in his line of business, and in order to perform his work thereunder he employed a number of plumbers not belonging to the union, and not participating in the strike, to take the place of the union and striking plumbers.

The defendants thereupon undertook to prevent the nonunion men from performing the work, and to that end followed them and the plaintiff from place to place about the city, and assembled about the shop of plaintiff, denouncing and threatening the plaintiff and his workmen, and interfering with them in every way practicable, and several of the defendants assaulted one of the nonunion workmen. This line of action has been followed by the defendants since the beginning of the strike.

The action of defendants amounted to an attempt by them to violently and forcibly compel the nonunion employees of Underhill to quit his employment, and said defendants are now threatening to so compel said employees to quit, by force and violence, and to assault and beat plaintiff and said nonunion employees.

The plaintiff, by his petition as amended, asks this court of equity to enjoin the defendants from the further commission of said acts, and from the execution of said threats; and the question on this submission is as to the right and power of a court of equity to apply the process of injunction in such case.

The plaintiff contends that the business and good will established by Underhill constitute a property right, and that the law and courts ought to protect that right. The plaintiff is right in this contention. The business and good will do constitute a property right, and the law and the courts of this State will vigorously and adequately protect that right. The question is, *how* will the law and courts afford this protection, and by what method will the facts be ascertained and the remedy afforded?

The plaintiff insists that that protection and remedy must be afforded by process of injunction, which means that a judge—one individual—sitting in equity, must hear the evidence, determine the facts, convict the defendants, and then, by fine and imprisonment, enforce his judgment; that no jury shall intervene, and that no barrier and no safeguard shall stand between the will of the judge and the liberty of the defendants.

This would seem a strong and harsh doctrine, and to support it, and as a guide and a light to this court, plaintiff's counsel quotes and relies upon the opinion of the Supreme Court of the United States in the celebrated case of *In re Eugene Debs*, reported in 158 U. S. Supreme Court Reports, page 564.

Counsel for plaintiff also quotes and relies upon the case of *Coeur d'Alene Mining Co. v. Miners' Union*, 51 Federal Reporter, 260, in the opinion in which case it is held that "equity would not interfere to prevent the commission of a crime. But when an attempt to injure constitutes acts or words which will operate to intimidate and prevent the customers of a party from dealing with him or laborers from working for him, the courts have, with nearly equal unanimity, interposed by injunction." The court in this case went so far as to enjoin the proprietor of a newspaper from encouraging the defendants in their lawless acts.

In the Debs case the Supreme Court says that, "As a general proposition, it is true that a court of equity can not enjoin the commission of a crime, and that a chancellor has no criminal jurisdiction." But the court goes on to say that where there is an interference, actual or threatened, with property rights or rights of a pecuniary nature, a court of equity can interpose by injunction.

It occurs to me that a very large proportion of criminal acts affects property or rights of a pecuniary nature. Under the doctrine announced in the Debs case a court of equity might properly enjoin the commission of burglary, or embezzlement, or highway robbery.

It appears from an examination of the authorities that the contention that a court of equity can interfere by injunction in criminal cases was never made until the arising of contests between labor and capital in the form of strikes.

The assumption of such jurisdiction by courts of equity would probably seem strange to the makers of the National Constitution and to those who framed our Government.

The courts of this land constitute a place of last resort, and, as is the case in all things, some degree of confidence and trust must at least be necessarily placed in the individual, and in the case of courts that confidence and trust must be placed in the judges. The powers of courts, it seems to me, are clear and their limitations well defined, and within these limits their powers ought to be exercised and their orders enforced on all occasions and at any cost; but it is equally true that the utmost care should be taken to avoid, in any instance, passing beyond these limitations.

To carry out the doctrine contended for by counsel for plaintiff in this case would mean the substitution of judges for juries. It simply means to vest in one man the right to try, convict, and punish without the intervention of a jury.

It is hard to see the reason for applying such a doctrine as this in cases of contest between organized capital and organized labor and not in other cases of a criminal nature. Organized capital has its clear, certain rights, which the courts of this land are bound to respect, enforce, and protect, and which they do enforce, respect, and protect, and organized labor has likewise rights and is entitled to the same respect and protection. But when it comes to enforcing or protecting the rights of one or the other, I can see no reason for departing from the established practice in criminal cases, and see no reason for depriving the persons accused of a violation of these rights of the constitutional methods of trial. There is nothing more dangerous than an arbitrary judiciary. There is nothing more injurious than to place in the hands of judges the right to exercise the power of a jury. There is nothing that should be so jealously enforced as the restrictions and limitations upon the powers of the courts of this country, national and state.

It does not require one learned in the law to see, and to some extent estimate, the results that would necessarily flow from giving to a judge the right to pass upon the facts in a criminal prosecution. It would vest in him an absolute arbitrary power, never contemplated by the Constitution, and utterly out of place in a government framed as this. Courts were originally established to afford a remedy for wrongs committed, and to enforce rights. They were not originally

constituted for the purpose of enabling a judge thereof to direct men what they should or should not do. The process of injunction, which amounts to that, finally became a part of the law in its equity branch, by necessity, but it never was intended that it should be used except in extreme cases. It was never intended that it should be used where any other remedy existed. It was never intended to be used except to prevent irreparable injury, and it was always intended that it should be used with extreme caution and only in extreme cases.

In case at bar the property rights of Underhill have been violated. A wrong has been committed and is being committed upon him. He is entitled to a remedy for the wrong done, and is entitled to have the commission of the wrong stopped. The law of this State affords him a remedy, full and complete. The remedy lies in the criminal branch of the judiciary. It is not a case for the interposition of equity. It is not within my power, and I hope never will be within the power of any judge in Kentucky, to hear the evidence, convict and punish a man for wrongs such as these. Before any penalty should be inflicted upon him, twelve men ought to hear the evidence and bring in a verdict of guilty.

The court of appeals of this State has never accepted the doctrine contended for by plaintiff's counsel in this cause. It has never substituted a judge in the place of a jury. It has not converted a chancellor into an inquisitor. It has not undertaken to indefinitely and obscurely extend the powers and widen the authority of the judges of this Commonwealth. There is nothing in the law of Kentucky which renders it obligatory upon me to here use the process of injunction. I will not undertake to usurp the powers and prerogatives of a jury and to exercise arbitrary power by means of the process of injunction until the law in this State on the subject becomes so plain as to make it my duty so to do.

There is filed with the petition a poster, addressed to the citizens of Covington, and making this statement: "The following-named master plumbers are unfair to organized labor: J. T. Underhill"—and others not necessary to here mention. This poster was issued by these defendants, and it is here made a subject of complaint. The allegations of the poster amount to a conclusion or an opinion on the part of those issuing it. They had a right to issue it, and if untrue and a damage to the plaintiff, then those issuing it must bear the consequence.

In the light of these views, and after a careful examination of all the authorities accessible relied on by plaintiff, I am of the opinion that the petition as amended does not present a state of case justifying the process of injunction, and the motion for temporary injunction is therefore overruled.

## **LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1896.**

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

### **ALABAMA.**

#### **ACTS OF 1900-1901.**

*Act No. 236.—Public printing to be done within the State, etc.*

SECTION 1. Section 3395 of the Code of 1896 [shall] be amended so as to read as follows: The printing and binding embraced in class 4 must be done at the seat of government, and all other printing and binding enumerated in classes 1, 2, and 3 must be done within the State of Alabama: *Provided, however,* That if the owners of printing establishments in this State should at any time combine or agree together for the purpose of preventing competition for bids under this act, then in such event this act shall not be binding, and the printing of the State may be let to the lowest bidder, whether such bidder is a resident of this State or not.

Approved, December 13, 1900.

*Act No. 311.—Incorporation of the Southern Industrial Institute.*

SECTION 1. S. H. Shinn, Lyman Ward, L. A. Trimble, Mistress Athalia Johnson Irwin, M. M. Teague, R. A. Credille, R. J. Ownes, Thomas Chapman, Daniel B. Clayton, H. E. Newberry, and George M. Slaughter and their associates, are hereby incorporated under the name of the Southern Industrial Institute, and by such name shall have perpetual succession, may sue and be sued, plead and be impleaded as natural persons; may have, use and change a corporate seal, acquire, receive, own and hold real and personal property by gift, purchase, devise or bequest, to hold and use the same for the benefit of said Southern Industrial Institute; said corporation may sell, lease, or mortgage its real or personal property, stocks, bonds or choses in action, and may borrow or lend money: *Provided,* That in making conveyances of real estate the deeds shall be signed by the president and countersigned by the secretary of said corporation.

SEC. 3. The purpose of said corporation shall be the establishment, organization and maintenance of an institution of learning of high grade for the education of the youth in industrial and manual training in all the useful industries, in the mechanic's arts, also to give training in literature, science and arts, to be located at Camp Hill, in Tallapoosa County, Alabama.

SEC. 5. The said board of trustees, in connection with the faculty of said institute, shall have authority to grant certificates of proficiency to those students who have creditably completed the prescribed course of study.

Approved February 8, 1901.

*Act No. 483.—Laborers' contracts, etc.*

SECTION 1.—Any person who has contracted in writing to labor for, or serve, another for any given time, or any person who has by written contract leased or rented land from another for any specified time, or any person who has contracted in writing with a party furnishing the lands, or the lands and the teams to cultivate it, either to furnish the labor, or the labor and teams to cultivate the land, with stipulations,

express or implied, to divide the crops between them in certain proportion, and who before the expiration of such contract and without the consent of the other party, and without sufficient excuse, to be adjudged by the court, shall leave such other party, or abandon said contract, or leave or abandon the leased premises, or the land furnished as aforesaid, and who shall also make a second contract, either parol or written, of a similar nature or character to any of said aforementioned contracts, though differing in some particulars in the terms, stipulations or period of time, with a different person, without first giving notice to such person of the existence of the said first contract, shall be guilty of a misdemeanor, and on conviction be fined not exceeding fifty dollars, or sentenced to hard labor for not exceeding six months, one or both, at the discretion of the court, if not tried by a jury, or at the discretion of the jury trying the same. And whenever such contract is made by two or more of such persons, the same shall be considered and held a several as well as a joint contract on their part: *Provided*, That the provisions of this act do not apply to Blount, Cullman and Winston, Jackson and Marshall, Calhoun, Lee, Lawrence, Dekalb, Morgan, Coosa, Jefferson, Mobile, Etowah, Baldwin, Butler, Escambia, Perry, Conecuh, Covington, Colbert, Franklin, Cherokee, Fayette and Washington counties.

SEC. 2. All laws and parts of laws, general or special, in conflict with the provisions of this be, and the same are hereby, expressly repealed.

Approved March 1, 1901.

ACT NO. 488.—*Enticing employees.*

SECTION 1. Section 5505 of the criminal code of 1896 [shall] be so amended as to read as follows: Enticing away servants, laborers, renters or share-croppers under written contract. Any person who knowingly interferes with, hires, employs, entices away or induces to leave the service or rented premises of another, or attempts to hire, employ, entice away or induce to leave the service of another, any laborer, servant, renter, or share-cropper, who has contracted in writing with another person for any given time not to exceed one year, before the expiration of the time so contracted for, or who knowingly interferes with, hires, employs, entices away, or induces any minor to leave the services of any person to whom such service is lawfully due, without the consent of the party employing or to whom such service is due, given in writing or in the presence of some credible person, must on conviction be fined not less than fifty (\$50) dollars, nor more than five hundred (\$500) dollars, at the discretion of the jury, and in no case less than double the damages sustained by the party whom such laborer, servant, renter or share-cropper was induced to leave. One-half to the party sustaining such damage and the other half to the county: *Provided*, That the provisions of this act do not apply to the counties of Covington, Jefferson, Dekalb, Blount, Lauderdale, Conecuh, Lawrence, Cherokee, Marshall, Coosa, Baldwin, Butler, Escambia, Clay, Cullman, Colbert, Etowah, Fayette, and Franklin.

Approved February 27, 1901.

ACT NO. 514.—*Mine regulations—Inspection, etc., of oil.*

SECTION 1. Only a pure animal or vegetable oil or other material that shall be as free from smoke as a pure animal or vegetable oil, and not the product or by-product of rosins, and which shall, on inspection, comply with the test provided for in section 2 of this act, shall be sold or used for illuminating purposes in the mines in the county of Jefferson.

SEC. 2. All such miners' oils or other material used as a substitute therefor shall be inspected as provided for in this act before being offered for sale or sold for consumption for illuminating purposes in the mines of the county of Jefferson, and such inspection shall be conducted in the following manner: All such oils or other material must be tested on the basis of 60 degrees Fahrenheit. The specific gravity shall not exceed 24 degrees Tagliabue. The test shall be made in a glass jar one and five-tenths (1.5) inches in diameter by seven (7) inches in depth. The Tagliabue hydrometer must be used. If the oil to be tested is in a congealed or solid state, it must be heated to a temperature sufficient to make it liquid, and if such temperature is in excess of 60 degrees Fahrenheit the proper deduction as per Tagliabue scale should be made. In testing the gravity of the oil or other material when possible, the reading of the hydrometer should be from below and the last line which appears under the surface of the oil shall be regarded as the true reading. In case the oil or other material under test should be opaque or turbid one-half of the capillary attraction shall be deemed and taken to be the true reading. When the test is made

under difficult circumstances an allowance of one-half degree may be made for possible error in parallax before condemning the oil or other material for use in a mine: *Provided*, That oils sold in barrels or bulk in Jefferson County to be shipped to points outside of the county need not be inspected as required by this act.

SEC. 3. The board of revenue of the county of Jefferson shall at the first regular meeting after the passage of this act appoint a suitable person, a resident of such county, who is not interested in manufacturing, dealing, or vending any oil or other material used for illuminating purposes in mines, as county inspector of miners' oils, whose term of office shall be four (4) years from the date of his appointment and until his successor is appointed and qualified. Such inspector, when so appointed and qualified, is hereby empowered to appoint as many assistants as he may deem necessary and said assistants are hereby empowered to perform the duties of inspection, but such county inspector shall be liable for the acts of such assistants appointed by him. Such county inspector may remove any of said assistants at will and appoint others in their places. It shall be the duty of such county inspector to provide himself and his assistants, at the expense of said county inspector, with the necessary instruments, apparatus, stencils, brands, stamps and labels, for testing and marking the quality of said miners' oils or other material, and to promptly inspect all oils or other materials mentioned herein. Such county inspector and his assistants are hereby required and it is made their duty to test the quality of all animal or vegetable oils or other material which is offered or intended to be offered for sale to be used for illuminating purposes in the mines of said county. If upon such testing or examination the same shall meet the requirements herein specified, then such inspector or assistant shall affix, by stencil, label, or brand on any package, cask, tank, barrel, or other vessel containing the same, and by stamp or label subscribed with his official signature the words: "Jefferson County test — degrees," with the number of degrees at which such oil or other material bore the test hereinbefore provided for, and the date of such inspection, after which it shall be lawful for any manufacturer, vendor, or dealer to sell the same in the county of Jefferson for illuminating purposes in the mines of said county. But if the oil or other material so tested shall not meet the requirements he shall mark by stencil, label, or brand in plain letters, on any package, tank, barrel or other vessel containing the same and by a stamp or label subscribed with his official signature the words: "Rejected for illuminating purposes in the mines of Jefferson County," giving the date of such inspection, and it shall be unlawful for the owner or the person in possession thereof to sell such oil or other material so branded as rejected, to be consumed within the county where the inspection was made for illuminating purposes in mines; and if any person shall sell or offer for sale such rejected oil or other material, he shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a penalty in any sum not more than five hundred dollars and may be also imprisoned in the county jail not exceeding thirty days or both at the discretion of the court or jury trying the same.

SEC. 4. If any person or persons or the agent of any person shall sell or attempt to sell to any person in the county of Jefferson any such oils or other materials, to be consumed within said county for illuminating purposes in the mines of said county before having the same inspected as provided in this act shall be deemed guilty of a misdemeanor and shall be subject to a penalty and upon conviction thereof shall be fined in any sum not more than five hundred dollars and may also be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court or jury trying same.

SEC. 5. Any person who shall knowingly use for illuminating purposes in the mines of the county of Jefferson any oil or other substance used as a substitute therefor before the same has been duly inspected and approved as required by this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not more than two hundred dollars.

SEC. 6. Any person selling or in any way disposing of an empty or partly empty barrel, cask, package, or other vessel which has been branded, stamped, or labeled by the inspector or assistant inspector as required by section 3 of this act before thoroughly cancelling, removing, and effacing the inspection brand on same, shall be deemed guilty of a misdemeanor and upon conviction shall be fined for each offense in any sum not more than fifty dollars and may also be imprisoned in the county jail for not more than sixty days.

SEC. 7. It shall be the duty of said county inspector or his assistants to inspect the miners' oils or other material used as a substitute therefor within two days after its receipt in said county and any inspector or assistant who shall purposely or willfully fail to comply with the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not more than two hundred dollars.

SEC. 8. Any person not a duly authorized inspector or assistant who shall brand with any inspector's brand, stamp, or label any barrel, cask, package, tank, or other vessel containing oil or other material for illuminating purposes in the mines of the county of Jefferson or any person who shall fill or cause to be filled for use any package, cask, barrel, tank, or other vessel having an inspector's brand thereon without first having the oil or other material inspected and approved as this act provides, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not more than three hundred dollars.

SEC. 9. No inspector or assistant shall while in office traffic, directly or indirectly, in any article which may be used for illuminating purposes in the mines of the county of Jefferson and in case of any violation of this section by the inspector or his assistants, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars and shall be removed from office as such inspector or assistant by the appointing board. All controversies and disputes arising at any time between the inspector and the manufacturers or dealers in reference to the correctness of the test and inspection shall be submitted to the State chemist at Auburn for decision and the decision of such chemist shall be final.

SEC. 10. Every package, cask, barrel, or other vessel containing miners' oil, or substitute therefor, shall be duly and carefully inspected and the same shall not be marked as approved until the material therein shall have been inspected as herein-before provided. Any inspector or assistant who shall violate the terms of this section shall be removed from office by the appointing board when the offense has been proven to the satisfaction of such appointing board.

SEC. 11. The county inspector or his assistants within said county shall have the power to enter any place or building where oils or other materials as before designated in this act are kept in store for sale or consumption in said county; they shall have the power also to reinspect any miners' oils or substitute therefor in said county which they have reason to suspect is below the standard required by law; provided no fee shall be charged for such reinspection.

SEC. 12. As full compensation for his services the county inspector shall receive three-fourths ( $\frac{3}{4}$ ) of a cent per gallon if inspection of such oils or other materials is made in quantities in bulk not less than five thousand gallons. If inspected in bulk in less quantities than five thousand gallons, one (1) cent per gallon; if inspected in barrels or other vessels other than tanks he shall receive two (2) cents per gallon, and railroad fare and other expenses if the inspector has to go outside the town where he makes his office to inspect same. In no case shall any fees greater or less be charged than those herein provided for. In all cases the articles inspected shall be held subject to the payment of the fees which shall be a lien on the oil or other material inspected, whether in the hands of the carrier, agent, or owner, and it shall be unlawful for any person or persons to remove any oils or other material inspected as herein provided without first discharging such fees. Any carrier, bailee, or other persons paying such fees shall have a lien on the oil or other material for the amount of the fee so paid.

Approved February 27, 1901.

Act No. 731.—*Trade marks, etc., of trades unions.*

SECTION 1. Whenever any union or association of workingmen shall adopt and use and shall file in the office of the secretary of state, as hereinafter provided, any label or device for the purpose of designating and distinguishing any goods, wares, or merchandise or other product of labor as having been made, manufactured, produced, or prepared by such association or union of workingmen or by a member or members of such association or union, it shall be unlawful for any person to counterfeit or imitate such label or device or to alter such counterfeit or imitation or to attach such label or device, or any counterfeit or imitation thereof, to any goods, wares, merchandise, or other product of labor without the consent of such association or union, and any person who counterfeits or imitates such label or device or alters such counterfeit or attaches such label or device or any counterfeit or imitation thereof to any goods, wares, or merchandise, or other product of labor without the consent of such association or union, shall be guilty of a misdemeanor, and may be punished by a fine not exceeding one hundred dollars.

SEC. 2. Before such label or device shall be entitled to the protection hereby afforded, such association or union of workingmen shall file a copy or fac simile of such label or device in the office of the secretary of state, and shall pay a fee of one dollar for such filing.

SEC. 3. All laws or parts of laws in conflict herewith be and the same are hereby repealed.

Approved March 1, 1901.

Act No. 818.—*Exemption of wages—Tuscaloosa County.*

SECTION 1. Section 2038 of the code of Alabama, so far as the same relates to Tuscaloosa County, [shall] be amended so as to read as follows:

Section 2038. Exemption of wages of employees.—Unless they shall prior to the issue of the writ of garnishment have by instrument in writing waived their right to claim such wages as exempt to them, the wages, salaries, or other compensation of laborers or employees, residents of this State, to the amount of twenty-five dollars per month, shall also be exempt from levy under writs of garnishment or other process for the collection of such debts and when the fact of such indebtedness is disclosed by the answer of the garnishee unless there shall have been a waiver of the right to claim such wages as exempt as hereinbefore provided the levy to the amount of \$25 per month shall be void, and the same shall be dismissed by the court before whom filed unless the plaintiff in garnishment shall contest the answer of the garnishee as now provided by law in such cases.

Approved March 2, 1901.

Act No. 970.—*Mine regulations.*

SECTION 1. Section 19 of "An act entitled an act to regulate the mining of coal in Alabama, approved February 16, 1897," [shall] be amended so as to read as follows:

SECTION 19. *Be it further enacted,* That the owner, agent, or operator of any underground mine in this State shall make or cause to be made by a competent engineer an accurate and exact map of said mines showing the exact position of said mine in reference to the section lines which shall be connected with some known boundary line of the section or subdivision of the section. That said map shall show accurately the position of any branches, creeks, or rivers under which said mine may extend; also, as near as possible, the position of any old mine near by, and that said map shall be sworn to by the engineer making same. That the original map provided for herein shall be filed during the month of January next after the opening of said mine and shall show its condition on the first day of such January, and all new work inside of the mine must be added to said map, or a new map filed, each year thereafter, showing the condition of the mine on the first day of January of the same year; and this provision for additions to maps shall apply to all the maps which have heretofore been filed in the office of the chief inspector of mines. That said maps shall be filed in the office of chief inspector of mines who shall provide a suitable and safe place for keeping them. That the chief inspector of mines with the approval of the board of examiners may refuse to accept maps made by persons claiming to be mining engineers who are not known to be such and of good standing and character in their profession. That the mine boss in charge of such mines shall certify to the correctness of such map and the additions made thereto. That said map shall be made on a uniform scale of 100 feet to the inch, and any person may secure a copy of any map on file in the inspector's office, by paying reasonable charges for making such map, and such copy when certified by the inspector shall be evidence in any court in this State. That it shall be the duty of the chief inspector of mines during the first three days of January of each year to forward or cause to be forwarded by express or by other safe means of transmitting at the expense of the agent, owner, or operator of the respective mines all maps on file in his office of mines in operation to the chief office of the respective mines as such chief office shall be reported to him, in order that said maps may be revised showing the condition of the mine on the first day of January of each year, and it shall be the duty of such owner, agent, or operator of each mine in this State to have such maps revised during the month of January of each year, and return the same to the office of the chief mining inspector, charges prepaid, during said month of January of each year, and if said maps shall not be so returned, the chief mining inspector shall charge for the time in default at the rate of one dollar per day for each day's delay after the last day of January, and he shall not file any such delayed map until the fine has been paid, and all fines collected under this section shall be paid by him into the State treasury.

Approved March 4, 1901.

Act No. 988.—*Incorporation of the Alabama Girls' Industrial School.*

SECTION 1. The Alabama Girls' Industrial School, heretofore established at Montevallo, is hereby declared to be a body corporate under the corporate name of "Alabama Girls' Industrial School," and by that name may sue and be sued, contract, take and hold real and personal property and have all the powers of a corporation established to carry on a State educational institution of the highest grade and rank.

SEC. 3. Said school is established for the purpose of giving therein instruction in the liberal arts and sciences; English language and literature, the science and art of teaching as a profession; music, drawing, painting, decorative art, botany, horticulture, floriculture, scientific dairying, cooking, sewing, dressmaking, millinery, bookkeeping, stenography, typewriting, telegraphy, and any and every other branch of human knowledge or industry by which women may live.

SEC. 4. The trustees of said school, by and with the advice and consent of the president and the faculty, shall have the power to confer regular and honorary degrees upon such persons as they deem worthy thereof, and to grant and confer degrees, diplomas, or certificates of proficiency or distinction upon such students as may be entitled thereto under the laws established by the trustees governing this subject.

SEC. 10. Any white girl residing in Alabama of good moral character, in good health and of sufficient physical and mental development to be judged of by the president and over the age of fifteen years, who shall comply with all the requirements prescribed by the trustees, may be admitted into said school, and upon completing the course of study prescribed at the time of her admission to the satisfaction of the faculty, shall receive the degree and diploma or certificate she may have earned. Whenever the accommodations of the school are sufficient to admit more students than apply from Alabama, then students from other States, Territories, or foreign countries may be received and instructed in said school upon such terms and conditions as may be imposed by the trustees.

SEC. 12. The trustees of said school shall have the right to appoint one student from each Congressional district, possessing the qualifications hereinbefore prescribed, who shall be boarded and instructed in said school free of all charge for board, washing, lights, books, or incidental fees, but a student shall not be eligible for appointment for more than four years.

SEC. 13. As far as may be practicable students in said school shall be employed in giving assistance in any department or work of said school to enable them to obtain instruction therein, but students shall be employed only in cases and to the extent that they may be able to render efficient service without injury to themselves or to the school.

SEC. 15. Instruction in said school shall be given without charge to all pupils admitted who are residents of this State; whenever there are more applicants for admission into said school on or before the 1st day of August in any year than can be received, the pupils admitted shall be apportioned to every county according to the population thereof, as shown by the last census.

Approved March 4, 1901.

Act No. 998.—*Payment of wages—Repeal.*

SECTION 1. The act of the general assembly, approved February 10th, 1899, entitled "An act to make checks issued by persons, firms, manufacturers, and corporations in the county of Butler redeemable either in merchandise or money, at the option of the holder," is hereby repealed in so far as the same relates to Butler County.

Approved March 4, 1901.

Act No. 999.—*Primary elections—Protection of employees as voters.*

SECTION 12. It shall be unlawful for any firm, corporation, or officer or agent of the same or any individual, to coerce or intimidate any person in their employ, qualified to vote at such election, to vote for any particular candidate in such election, or not to vote for any particular candidate in such election, and on conviction of the same must be fined not less than fifty nor more than five hundred dollars.

SEC. 23. All laws and parts of laws in conflict with this act be and the same are hereby repealed: *Provided*, That the provisions of this act shall apply only to Jefferson County.

Approved March 4, 1901.

Act No. 1081.—*Convict labor.*

SECTION 1. Section 4476 of the code of 1896 [shall] be amended so as to read as follows:

SECTION 4476. (4648.) Not less than twenty hired to one person or kept at one prison; violation, misdemeanor, exception.—Not less than twenty State or county convicts shall be hired to any one person or kept at any one prison, and none of those hired to any person must be related to him by consanguinity or affinity and

they shall be governed, worked, and guarded as prescribed by the rules and regulations for working penitentiary convicts outside the walls. But when convicts are worked in the county where convicted less than twenty may be worked in one place. That the provisions of this bill shall not apply to mining and quarrying enterprises.

Approved March 5, 1901.

ACT NO. 1137.—*Mine regulations—Mining inspectors.*

SECTION 1. Section 2899 of the code is hereby amended so as to read as follows:

SECTION 2899. Inspectors of mines appointed by the governor; terms; salaries.—There shall be appointed by the governor of Alabama three inspectors of coal mines within ten days of the first day of May, 1897; one of them shall be designated as chief mining inspector, and the other two shall be designated as associate mining inspectors. The chief mining inspector shall hold his office for three years from said date; one of the associate mining inspectors shall hold his office for two years, and the other associate mining inspector shall hold his office one year from said date: *Provided, however,* That at the expiration of said term of office, as above provided, the successors of said inspectors, respectively, shall hold his office for a term of three years. The salary of the chief inspector shall be \$1,500 per annum, and the salary of each of the associate inspectors shall be \$1,200 per annum.

Approved March 5, 1901.

## HAWAII.

### CIVIL LAWS OF 1897.

CHAPTER 59.—*Exemption from taxation.*

SECTION 817 (as amended by section 9 of chapter 339, acts of Congress of 1899–1900). Except as herein provided, all real property and all personal property within the Territory shall be subject to an annual tax of one per cent upon the full cash value of the same.

SEC. 837 (as amended by section 9 of chapter 339, acts of Congress of 1899–1900). *Provided, however,* That the tax of one per cent herein imposed upon property shall be collected only upon property in excess of the value of three hundred dollars, be the same real or personal.

Such exemption shall be allowed in but one taxation district of the Territory, and that taxation district shall be the one in which the property owner resides.

*And further provided,* That no exemption shall be allowed from the property of corporations, companies, estates of deceased persons, or nonresidents.

*And further provided,* That a tenant, lessee, or occupier of any real property that is exempt from taxation, shall not by reason thereof be exempt from taxation, but shall be assessed and shall be subject to taxation, in respect to the value of his interest in any such real property.

CHAPTER 64.—*Stamp duties—Labor contracts.*

SECTION 918. From and after the coming into operation of this act, there shall be due and payable to the government [of the Territory] in respect of the several deeds, documents, and instruments mentioned and specified in the schedule hereinunder written, the several sums of money for stamp duty set forth in the said schedule.

SEC. 941. *Schedule.*— \* \* \* Contracts between masters and servants for labor, \$1.00.

If for more than one year, then for each year or part of a year after the first, \$1.00. (This duty to be charged on the original and duplicate copies, fifty cents on each copy for each year, or fractional part thereof, of the term of the contract, and to be paid by the employer.) \* \* \*

CHAPTER 73.—*Convict labor.*

SECTION 1056. All prisoners sentenced to imprisonment at hard labor shall be constantly employed for the public benefit, on the public works, or otherwise, as the marshal, with the approval of the minister of the interior may think best.

SEC. 1057. The minister of the interior is hereby empowered, in his discretion, to detail for labor on any public road, upon application to that purpose from any road supervisor, as many prisoners as he may deem necessary for such work; said prisoners to be under the care of their usual overseers and subject to the road supervisor only as far as regards the mode of their employment.

SEC. 1058. When such prisoners can not be well employed in the performance of any public work, the marshal, with the approval of the minister of the interior, may let them out to labor for private individuals, upon such terms as he may deem proper: *Provided, always,* that such prisoners shall be locked up within the prison every night.

SEC. 1059. Female prisoners shall be kept entirely separate from the male prisoners, and shall be employed in making mats, in sewing, in washing the clothes of the prisoners, and in such other suitable occupations as the marshal shall direct.

[NOTE.—Chapter 339, of the acts of Congress of 1899–1900, 1st session, Fifty-sixth Congress, entitled “An act to provide a government for the Territory of Hawaii,” leaves the above sections [1056 to 1059] of laws of the Republic of Hawaii in force and unrepealed, but it abolishes the offices of “marshal” and “minister of the interior.” It provides, however, for a superintendent of public works who shall have the powers and duties of the minister of the interior relating to public works, and for a high sheriff who shall have the power and duties of the marshal.]

#### CHAPTER 95.—*Exemption from execution.*

SECTION 1483. The following property, when owned by any person being a house-keeper, and having a family, shall be exempt from levy and sale on execution:

The family Bible, family pictures, and school books, two swine or six goats, and all necessary fish, meat, flour, and vegetables, and one piece of land where kalo is growing, or any other vegetable, provided the same does not exceed one-half an acre, actually cultivated for family use, likewise a house lot not to exceed one-quarter of an acre, and the dwelling house and other buildings thereon situated, provided the value thereof shall not exceed two hundred and fifty dollars. But this exemption shall not apply to mechanics and material men for labor performed and material furnished in the erection of such buildings. All necessary wearing apparel, mats, beds, bedsteads, and bedding, for such person and his family. One poi board, two calabashes, one o-o, one table, six chairs, six knives and forks, six plates, six teacups and saucers, one sugar dish, one milk pot, one teapot, one coffeepot, and six spoons. The tools and implements of any mechanic necessary for carrying on his trade or business, not exceeding fifty dollars in value. \* \* \*

#### CHAPTER 111.—*Mechanics' liens.*

SECTION 1741. Any person or association of persons furnishing labor or material to be used in the construction or repair of any building, structure, railroad, or other undertaking, shall have a lien for the price agreed to be paid for such labor or material (if it shall not exceed the value thereof) upon such building, structure, railroad, or other undertaking, as well as upon the interest of the owner of such building, structure, railroad, or other undertaking in the land upon which the same is situated.

SEC. 1742. The lien provided in the first section hereof shall not attach unless a notice thereof shall be filed in writing in the office of the clerk of the circuit or supreme court, as the case may be, where the property is situated, and a copy of the notice be served upon the owner of the property. Such notice shall set forth the amount of the claim, the labor or material furnished, a description of the property sufficient to identify the same, and any other matter necessary to a clear understanding of the same. The lien shall continue for three months, and no longer, after the completion of the construction or repair of the building, structure, railroad, or other undertaking against which it shall have been filed, unless the same shall have been satisfied, or proceedings commenced to collect the amount due thereon by enforcing the same.

SEC. 1743. The clerks of the supreme and circuit courts shall keep in each office a book called “Mechanics’ Lien Record,” in which shall be entered a memorandum of each lien filed. The record shall be arranged alphabetically in the name of the owner of the property, and shall state in addition to such name the amount of the lien or claim, by whom filed, the date of filing, a brief description or identification of the property against which it is filed, the date of proceeding to enforce, the date of discharge, and any other matter deemed necessary.

SEC. 1744. The lien herein provided shall have force only from the date of filing. It shall have priority in the order of filing over other liens of any nature, and shall be subject to any prior recorded lien or judgment. Whenever the lien hereby provided shall be satisfied (other than by the limitations expressed in section 1742), a written notice thereof shall be filed with the clerk of the supreme or circuit court, as the case may be, which shall be noted in the Mechanics’ Lien Record.

SEC. 1745. The liens hereby provided may after demand and refusal of the amount due, or upon neglect to pay the same upon demand, be enforced by proceedings in any court of competent jurisdiction, by service of summons, as now practiced. Such summons shall set forth the ordinary allegations in assumpsit, and, in addition thereto, note that a lien has been filed. Before proceeding to trial, the defendant shall be served with a detailed specification of the claim, provided that no such specification shall have been furnished before proceedings were commenced. Judgment upon such proceedings shall be as in ordinary cases, and may be enforced by execution as now allowed. In case the contract for services or material upon which the lien has accrued shall have been directly with the owner of the property, an attachment may issue in connection with the suit upon the filing of a bond of indemnity to the said owner in such sum as the magistrate or court may fix. If it shall appear that such bond is insufficient, the magistrate or court shall cause a new bond to be filed for a greater amount, or with additional security.

SEC. 1746. Whenever the work or material for which a lien is filed shall be furnished to any contractor for use as set forth in section 1741, the owner may retain from the amount payable to the contractor sufficient to cover the amount due or to become due to the person or persons who filed the lien.

### CHAPTER 123.—*Earnings of married women.*

SECTION 1886. All work and labor performed; or services rendered by a married woman for or to a person other than her husband and children, shall, unless there is an express agreement on her part to the contrary, be presumed to be performed or rendered on her separate account.

## PENAL LAWS OF 1897.

### CHAPTER 10.—*Kidnapping, etc.*

SECTION 70 (as amended by section 9 of chapter 339, acts of Congress of 1899–1900). Whoever kidnaps, that is, forcibly or fraudulently and deceitfully, and without authority by law, imprisons, seizes, detains, or inveigles away any person, with intent to cause such person to be secreted within this Territory against his will, or sent out of this Territory against his will, or sold or held as a slave, shall be punished by a fine not exceeding one thousand dollars, and be imprisoned at hard labor not more than two years.

### CHAPTER 35.—*Sunday labor.*

SECTION 317. All labor on Sunday is forbidden, excepting works of necessity or mercy, in which are included all labor that is needful for the good order, health, comfort, or safety of the community, or for the protection of property from unforeseen disaster, or danger of destruction or injury, or which may be required for the prosecution of or attendance upon religious worship, or for the furnishing of opportunities of reading or study: *Provided, however,* that on Sunday until nine o'clock in the morning barber shops may be kept open and fresh meat and fresh fish may be sold and delivered; that until nine o'clock in the morning and after three o'clock in the afternoon milk may be delivered and cattle, sheep, and swine may be slaughtered; that during the entire day meals may be sold to be eaten on the premises where sold or served elsewhere by caterers, drugs, medicines, and surgical appliances may be sold, personal baggage may be conveyed to and from vessels leaving and arriving at port on that day, that the railroads may on Sunday carry passengers to connect with the steamers and public carriages, horse cars and licensed shore boats may convey passengers for hire, and that all labor which may be lawfully performed on Sunday shall be conducted, as far as possible, so as not to interfere with the right of the community and of each individual to quiet and repose.

SEC. 318. All public amusements, sports, shows, and games on Sunday are hereby forbidden, and no one shall so prosecute or take part in any recreation, amusement, sport, or game not of a public character, on Sunday, in such a manner as to interfere with the right of the community and of each individual to quiet and repose.

SEC. 319. Any person violating any of the provisions of sections 317 or 318 shall, on conviction, be fined not over fifty dollars or be imprisoned not over thirty days.

SEC. 321. Sunday, within the meaning of the provisions of this act, is the first day of the week and includes the time between the midnight preceding and the midnight following the same day.

CHAPTER 59.—*Lodging houses for contract laborers, etc.—Sanitary provisions.*

SECTIONS 938. Every house or tenement used or occupied as a dwelling for lodgers or contract laborers shall be kept by its owner in good repair, and with roof watertight, and shall have the capacity of not less than three hundred cubic feet of space for each adult, or nine hundred cubic feet for one man and woman and two children.

SEC. 939. The yard and grounds about all dwellings shall be well drained and kept free from rubbish of every description, with a closet, or privy, also to be kept in repair by the lodging-house keeper or employer of laborers, for every six adults.

SEC. 940. Every owner or keeper and every other person having the care or management of a lodging house or of a dwelling for contract laborers shall at all times when required by the board of health or its agents give free access to such house or any part thereof.

SEC. 941. Every lodging-house keeper or employer of laborers who shall fail to comply with the provisions of this act shall pay a fine not exceeding fifty dollars.

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